

AGENDA

**SPARTA TOWNSHIP
PLANNING COMMISSION
Tuesday, May 12, 2026
7 P.M.**

**Sparta Township Hall
160 East Division Street
Sparta, MI 49345**

This meeting can be viewed live or recorded at
<https://www.youtube.com/channel/UCu9bOagfR6m02k7rdmX3TLA>

- I.** Call to Order
- II.** Pledge of Allegiance
- III.** Additions or Corrections to Agenda
- IV.** Minutes of April 14, 2026, Regular Meeting
- V.** Public Comment (for items on the agenda)
- VI.** Business Items
 - A. Public Hearing Rezoning Request – 9440 Sparta Ave: C-1 to C-2
 - B. Home Occupation Regulations Review
 - C. Data Center Regulations Review
- VII.** Public Comment (for items on or not on the agenda)
- VIII.** Staff and Commissioner Comments
- IX.** Adjournment

MINUTES OF THE SPARTA TOWNSHIP PLANNING COMMISSION
Regular Meeting of Tuesday, April 14, 2026, 7 PM
Sparta Township Hall, 160 E. Division St., Sparta MI

This meeting could be viewed live or recorded at <https://www.youtube.com/channel/UCu9bOagfR6m02k7rdmX3TLA>.

Present: Chairperson Terry Hartman (9/28); Vice Chairperson Tim Driscoll (9/28);
Township Board Trustee Barb Johnson (12/28); Commissioners Don Doyle (9/27),
Dale Flanery (9/27), and Ken Humphreys (9/27)
Also Present: Zoning Administrator/Planner Kevin Yeomans of Fresh Coast Planning
and Recording Secretary Toni Potes
Absent: Secretary Linda Anderson (9/28)

I. / II. Call to Order / Pledge of Allegiance: Chairperson Hartman called the meeting to order
at 7:00 PM, followed by the Pledge of Allegiance.

III. Additions or Corrections to Agenda: Motion by Johnson, second by Doyle, to correct the
meeting date on the Agenda to April 14 and the date of the Minutes in Item IV to March 10.
Motion carried unanimously.

IV. Minutes of March 10, 2026, Regular Meeting: Motion by Doyle, second by Humphreys,
to approve the Minutes. Motion carried unanimously.

V. Public Comment (for items on the Agenda): Jackie Landon, of 373 15 Mile Rd, NW, Sparta,
thanked the Township Board for the moratorium and the Planning Commission and Zoning
Administrator/Planner Kevin Yeomans for their work on data centers. She asked that other
communities' terms be included in Sparta's proposed regulation, including additional testing.

VI. Business Items

A. Master Plan Review and Adoption: Zoning Administrator/Planner Yeomans reviewed
the most recent updates. The Planning Commission is the final adopting body of the
Master Plan. Motion by Johnson, second by Driscoll, to adopt the 2026 Sparta Township
Master Plan. Roll call vote: Johnson, yes; Doyle, yes; Humphreys, yes; Flanery, yes;
Driscoll, yes; Hartman, yes. Motion carried unanimously. The Commissioners thanked
Zoning Administrator/Planner Yeomans for all of his work.

B. Preliminary Review: Rezoning Request—9440 Sparta Ave.: Paul Rogers, of 1932
Rusco, Kent City, property owner/seller, stated this parcel of Yost Parkway is the last
parcel. He is seeking rezoning from C-1 to C-2 for the prospective buyer's specific use.
Conor clay and Tim Clay, of 465 E. Division, Sparta, buyers, would like to relocate to 9440
Sparta Ave. Zoning Administrator/Planner Yeomans stated the request does fit with the

Master Plan. He has no concerns but is looking for Planning Commission feedback. The parties will work with Zoning Administrator/Planner Yeomans.

C. Data Center Regulations Review: Michigan legislature, federal and state governments are looking closely at this matter, too. Township Board Trustee Rob Steffens stated Sparta is not on the builder's radar because the rodeo grounds is not big enough. Driscoll pointed out that decommissioning/removal of everything does not make sense; maybe consider instead repurpose for the facility. A large bond may protect the Township from an abandoned building. The Planning Commission will continue gathering information and incorporating.

D. Home Occupation Regulations Review: Zoning Administrator/Planner Yeomans reviewed the seven changes and gathered the Planning Commission's feedback.

VII. Public Comment (for items on or not on the Agenda): Paul Rogers inquired about the next steps to follow for his rezoning petition. Zoning Administrator/Planner Yeomans explained what was needed: a survey, legal description, and public hearing. The process will take a month or two.

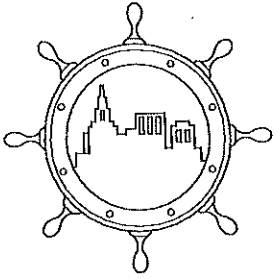
Loren Peterson, Jr., of 2250 Sparta Ave., gave a historical background of his father's property and asked for clarification to building on Ag 1 land. Leasing land for farming does not qualify for the homeowner farming the land; the primary resident has to prove they are farming the land. Zoning Administrator/Planner Yeomans will send the pertinent ordinances to Peterson for clarification.

Jackie Landon will send the data center information she has to Zoning Administrator/-Planner Yeomans.

VIII. Staff and Commissioner Comments: None.

IX. Adjournment: Motion by Humphreys, second by Johnson, to adjourn at 8:06 PM. Motion carried unanimously. The next regular meeting of the Sparta Township Planning Commission will be Tuesday, May 12, 2026, at 7 PM.

Respectfully submitted,
—Toni Potes
Recording Secretary



Fresh Coast Planning

119 1/2 Washington Avenue, Studio B
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA

Kevin Yeomans

Alexis Gulker

Aaron Bigelow

Andrea Goodell
6

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: 5/1/2026
Re: Public Hearing – 9440 Sparta Ave: Rezoning C1 to C2

Attached is an application from Paul and Rebeka Rogers (the "Applicant") to rezone a portion of their property at 9440 Sparta Ave, parcel number 41-05-26-300-037 (the "Property") from C-1: General Commercial to C-2: Highway Commercial. The Applicant is pursuing the rezoning as part of the sale of the Property to Tim Clay, who intends to sell new and used trailers, parts and accessories on the Property. The Applicant is seeking to expand the C-1 zoned lands from 300 feet to 500 feet and rezone that portion of the property to C-2.

The rezoning is being sought because *automotive sales and services (including indoor and outdoor sales displays of automotive and auto-related equipment)* are not permitted in the C-1 Zoning District and is a use by right in the C-2 District. Mr. Clay is aware that if the rezoning is approved, he will still have to complete the site plan review process prior to commencing operations on the property. Because the use is a use by right in the C-2 District the site plan review will be conducted by Fresh Coast Planning, Pathfinder Engineering, the Fire Department, and others as necessary, but will likely not be brought to the Planning Commission for review.

Public Hearing and review of the requested rezoning is scheduled for your May 12, 2026, meeting.

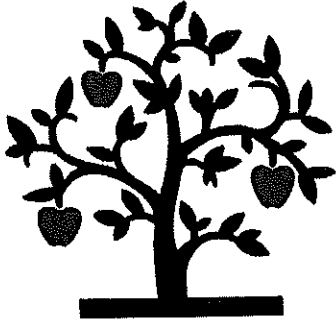
Summary of Findings

The requested expansion and rezoning from a 300-foot-deep C-1 District to a 500-foot-deep C-2 District appears to meet all standards of review. Pending the receipt of public comment and evidence to the contrary, we believe a recommendation of approval is appropriate.

Existing Conditions

From the border of the Village of Sparta to M-37 lands on both sides of Sparta Avenue are zoned commercially to a depth of at least 300 feet. Further as depicted in Figure 1 below, the yellow outline shows the approximate lot lines for the Property, with the abutting property to the south being zoned C-2 (Rentsmart) and the property across the street also being zoned C-2.

Additionally, as depicted in Figure 2 below, the existing conditions (as of 2023) of surrounding properties are shown. Additionally, we've depicted the current depth of the commercial district (300 feet) and the expansion area (depth of 500 feet) so the Commission may better see the potential impact the expansion could have.



SPARTA TOWNSHIP

160 E. Division St, Sparta MI 49345
(616) 887-8863 Fax (616) 887-3823
www.spartatownship.org

PLANNING COMMISSION PROCEDURES AND DEADLINES FOR REZONING TO R-3, R-4, C, OR I DISTRICT

Deadline: The deadline to submit materials for a Planning Commission Meeting is by 5:00 p.m., 45 days prior to the next scheduled meeting date. The materials must be dropped off at the Sparta Township Office, 160 E. Division St., Sparta, MI 49345.

Meeting: The Planning Commission meets the second Tuesday of the month at 7:00 p.m. at the Sparta Township Hall meeting room.

Cost: Request Fee: \$900; Escrow¹: \$2,000

Submittal: Ten (10) identical packets must be submitted to the Township along with the fee by the deadline. They should be folded in 8 1/2" by 11" sizes. The packets should contain any supporting documents such as proof of ownership, surveys, site plans, drawings, pictures, and narratives. An electronic copy (PDF) of the packet shall also be submitted. When the rezoning request reaches the Township Board, eight (8) additional packets and an updated electronic copy are required to be submitted to the Township, at least one week in advance of said meeting.

Please call the Township Hall with any questions. 616-887-8863

DO NOT DISCARD THIS PAGE. YOU MUST SUBMIT THIS PAGE WITH YOUR APPLICATION

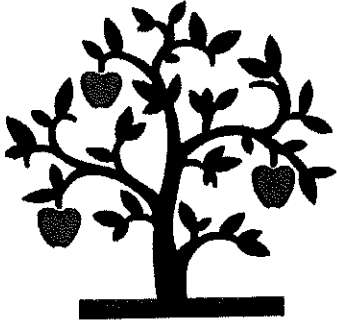
DO NOT WRITE BELOW THIS LINE - TOWNSHIP USE ONLY

Applicant Name & Address: _____

Application Fee/Escrow _____ Date Received _____ Date Notices Mailed _____

Public Hearing Date _____ Approved _____ or Denied _____ or Approved with Conditions _____

¹ Escrow funds are used to reimburse planning, engineering, and legal fees incurred. If the fund drops below 10% of the deposit, an additional deposit will be required to continue. Any funds remaining will be refunded when the project is complete. Any approvals will be subject to requiring any outstanding funds due are paid in full.



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www.spartatownship.org

R-3, R-4, C, or I REZONING APPLICATION

Name of Applicant: Paul and Rebeka Rogers

Address of Applicant: 1932 Rusco, Kent City,

Telephone: 616 887 3770 Email/Fax: 616 887 3770

What is the Applicant's interest in making this application for rezoning?

Our interest is to sell new and used trailers, parts and accessories. Which we need a C2 zone for.

What is the nature and effect of the proposed rezoning?

To rezone to a C2

SIGNED
Timothy Clay
SIGNED
Paul and Becky Rogers
03/16/26 03:25 PM EDT

Mar 16, 2026

**Signature of Applicant

Date

SIGNED
Paul and Becky Rogers
03/16/26 03:21 PM EDT

Mar 16, 2026

**Signature of Property Owner

Date

MAP AMENDMENT

List the name, address and interest of every person who has a legal or equitable interest in any land to be rezoned (map amendment).

Tim Clay 465 E Division St Sparta MI 49345

Paul and Rebeka Rogers 1932 Rusco, Kent City

What is the current zoning of any property requested to be rezoned? c1

What is the proposed zoning of any property requested to be rezoned? c2

Parcel Number of property requested to be rezoned: 41-05-26-300-037

the property is currently dual zoned as C1 and R, we need the R to stay and the division of C1 to be rezoned to C2

Provide a scaled map of the property, fully-dimensioned and correlated with the legal description, showing the following:

1. The land which would be affected by the proposed amendment;
2. If the land proposed for rezoning does not include the entire parcel or lot, the land and legal description of the portion of the parcel of the lot which is proposed for rezoning and the portion of the parcel of the lot which is not proposed for rezoning;
3. The present zoning of the land proposed for rezoning;
4. The present zoning of all abutting lands; and
5. All public and private rights-of-way and easements bounding and intersecting the land proposed for rezoning.

Attach the legal description of the property.

ADDITIONAL INFORMATION

Please provide proof of ownership. If ownership is pending a purchase agreement that is conditional to the Zoning Amendment request, please provide proof of said agreement.

In the instance there is an alleged error in the Ordinance which would be corrected by the proposed amendment, provide a detailed explanation of such alleged error and detailed reasons why the proposed amendment would correct the same:

purchase agreement is attached

State the changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare:

Our interest is to sell new and used trailers, parts and accessories. Which we need a

C2 zone

for.

State all other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment:

would like zoned as c2 as far back as possible

Figure 1

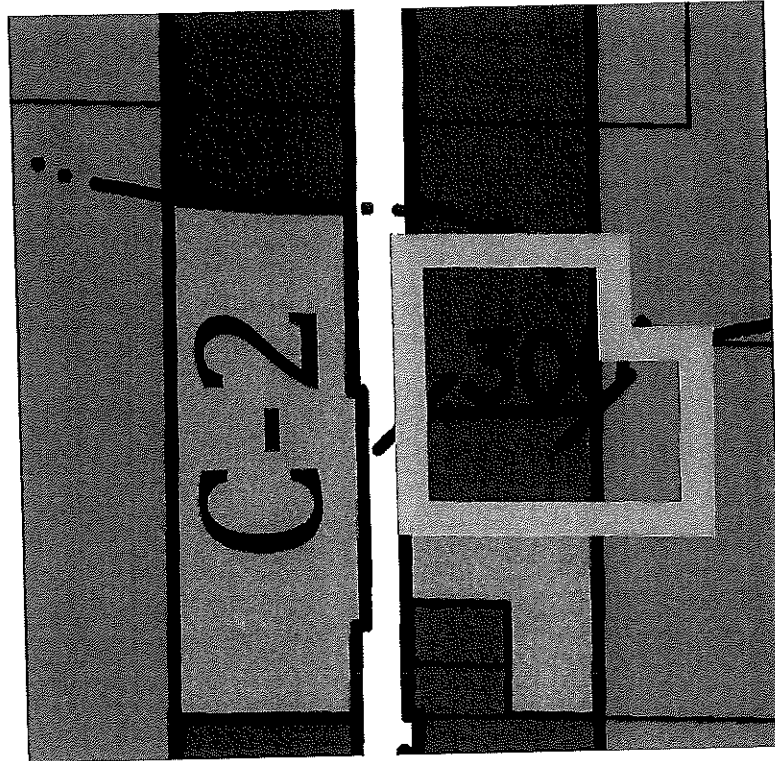


Figure 2



Standards of Review

As you are aware, the Sparta Township Zoning Ordinance does not contain express standards of review for a rezoning request. Given this we have consulted with the Township's legal counsel to develop the following standards. The Planning Commission should review these standards when making a final determination on a rezoning request. Provided along with each standard are preliminary findings for the Planning Commission's consideration.

1. Consistency with the Master Plan:

- a. The proposed rezoning must align with the township's master plan, which includes a zoning plan detailing land use categories and their relationship to zoning districts (MCL 125.3833(2)(d)).
- b. The rezoning should support the township's long-term vision for growth, infrastructure, and community character as outlined in the master plan. For example, if the future land use map designates an area for residential use, a rezoning request for industrial use may be denied unless justified by changed conditions.

Preliminary Findings: The 2026 Sparta Township Master Plan (the "Master Plan") classifies the lands proposed for rezoning as Mixed Use Residential Commercial (MURC). MURC is further described in the Master Plan as follows:

The Mixed-Use Residential Commercial (MURC) classification may require the development of a new zoning district. Mixed-Use Residential Commercial classified lands are intended to provide flexibility in development of the land south of the Village of Sparta, allowing for a variety of uses (single family dwellings, apartments, office, and commercial) within a single area.

Commercial uses allowed within this area should not compete directly with uses in downtown Sparta or commercial uses elsewhere within the Village. Additionally, industrial uses that are not likely to generate a large amount of traffic but still need good year-round access to Class A roads may be appropriate in this area. Any commercial or industrial use that requires connection to public water or sanitary sewer should be located adjacent to the Village of Sparta.

Emphasis should be placed on open space, village greens, sidewalks, and other design standards to help create a neighborhood. While these lands are identified to be just south of the Village of Sparta, other locations may be appropriate.

Along Sparta Avenue the MURC area may be extended to a depth of 500 feet.

Given that the uses allowed within the C-2 District do not generally compete directly with uses in downtown Sparta, that Sparta Avenue is a Class A road, and the Master Plan provides for MURC classified lands to be extended to a depth of 500 feet, it appears that the request is consistent with the Master Plan. As such, this standard appears to be met.

2. Public Need and General Welfare:

- a. The rezoning should meet a demonstrated public need, such as providing housing, commercial services, or infrastructure improvements that benefit the community.
- b. It must promote the general welfare, ensuring that the proposed use does not negatively impact public health, safety, or quality of life (e.g., by creating excessive traffic, noise, or environmental issues).

Preliminary Findings: Tim Clay currently operates his business on a 0.48 acre lot located at 465 E. Division. He has stated that the purchase of 9440 Sparta Avenue and the requested rezoning is being pursued in order to provide him with the space needed to expand their business. This appears to demonstrate the public need to provide commercial services that benefit the community. Further, given that Sparta Avenue is a class A road, adjacent properties are already zoned C-2, and further site plan review will be required prior to the commencement of any use, the requested rezoning does not appear to negatively impact the public health, safety, or quality of life. Pending the receipt of public comment, this standard appears to be met.

3. Conformance with Good Zoning Practice

- a. The rezoning must adhere to sound zoning principles, such as ensuring compatibility with surrounding land uses and avoiding spot zoning (rezoning a single parcel in a way that is inconsistent with the surrounding area).
- b. The proposed zoning district should be appropriate for the property's physical characteristics, such as size, shape, topography, and access to infrastructure.

Preliminary Findings: As previously stated, adjacent properties to the south and west across Sparta Avenue are currently zoned C-2. The adjacent property to the north is currently dual zoned, from Sparta Avenue to a depth of 300 feet the property is zoned C-1, with remaining portions of the property being zoned Ag-2. The Ag-2 portion of the property contains a single-family dwelling that is approximately 90 feet from the nearest portion of the lands proposed to be rezoned to C-2. Given the Sparta Township Zoning Ordinance requirements for screening and buffering between commercial and residential uses, the rezoning appears to be compatible with surrounding lands.

The lands proposed to be rezoned to C-2 are approximately 3.9 acres in area which contains a flat cleared area that is approximately 50 feet from the stream. Based on our review of the Michigan Department of Environment, Great Lakes, and Energy's Wetlands Map Viewer, the cleared area does not appear to contain any wetlands. Further the abutting portion of Sparta Avenue is identified as a multi-line county primary road that connects to state route M-37. The intersection with M-37 is located approximately three-quarter (3/4) miles south of the Property.

Given the findings above the property appears well suited for commercial development and compatible with surrounding land uses. Pending the receipt of public comment, this standard appears to be met.

4. Compatibility with Surrounding Uses

- a. The proposed use under the new zoning district must be compatible with existing and planned uses in the surrounding area.
- b. Consideration is given to whether the rezoning will negatively impact the value, enjoyment, or safety of neighboring properties.

Preliminary Findings: As previously stated, the uses allowed within the C-2 zoning district appear to be compatible with existing and planned uses in the surrounding area. Given that lands within the surrounding area currently contain a mix of residential and commercial uses, it does not appear that the requested rezoning will impact the value, enjoyment, or safety of neighboring properties. Pending the receipt of public comment this standard appears to be met.

A list of allowed uses within the C-2 District can be found in Exhibit A of this memorandum.

5. Changed Conditions of Circumstances

- a. Courts and townships often require evidence of changed conditions (e.g., new infrastructure, economic shifts, or development patterns) since the original zoning was established to justify a rezoning. If no significant changes have occurred, the current zoning is presumed valid unless it is found to be unreasonable or arbitrary.

Preliminary Findings: The Property was previously a part of a larger approximately 18-acre parent parcel. In 2019 a private road (Yost Parkway) was built and the parent parcel was divided into five separate lots. Since that time Rentsmart, an equipment rental business, has been constructed and opened for business. Further, the portion of the Property currently zoned C-1 has been commercially zoned for more than 20 years but remained vacant. Additionally, there are currently only two remaining vacant parcels in the Township that are zoned C-2, neither of these parcels are currently listed for sale. Lastly, it's our understanding that there were previous plans to extend public water and sanitary sewer services along Sparta Avenue, but these plans have since stalled or been abandoned. With C-2 uses generally less reliant on public water and sanitary sewer, rezoning to C-2 may allow for continued commercial development within the Township. As such, this standard appears to be met.

6. Rational Basis and Reasonableness

- a. Decisions on rezoning must be rational, reasonable, and supported by evidence, as arbitrary or capricious denials can be overturned by courts. The township should provide clear reasoning, often based on recommendations from the planning commission or zoning administrator.
- b. The rezoning should not create conditions that are inconsistent with sound zoning policy or incompatible with surrounding zones.

Preliminary Findings: The other findings presented in this memorandum provide the rational basis for approval of the requested rezoning.

7. Infrastructure and Environmental Considerations

- a. Will existing infrastructure (roads, utilities, sewer, water) support the proposed use under the new zoning district.
- b. Environmental impacts, such as drainage, wetlands, or erosion, are considered to ensure the rezoning does not harm the natural environment or nearby properties.

Preliminary Findings: As previously stated, the existing infrastructure appears to be able to sufficiently support the uses allowed within the C-2 District. Additionally, while the Property contains a stream and apparent wetlands, there is sufficient area on the site to accommodate commercial development without adversely impacting the environment. Lastly, any proposed use within the C-2 District is required to go through site plan review which requires a closer review of any proposed development and its impact to the land and surrounding area. As such, this standard appears to be met.

8. Public Input and Community Impact

- a. Feedback from residents and stakeholders regarding potential impacts on property values, traffic, aesthetics, and quality of life should be considered.

Preliminary Findings: At this time, no public comment has been received. If written verbal or written public comment is written, the Planning Commission will need to consider these comments and determine if the comments provide reasonable evidence that the requested rezoning would substantially impact property values, traffic, aesthetics, or quality of life.

Please let us know if you have any questions.

Kevin Yeomans

Kevin Yeomans
Planner

Attachments

cc: Dale Bergman, Township Supervisor

Exhibit A

List of uses allowed in the C-2 Zoning District

C-2 Zoning District	
Use by Right	Special Land Use
Automotive sales and services (including indoor and outdoor sales displays of automotive and auto-related equipment)	Shopping centers
Farm implements sales and services	
Mobile home and recreation vehicle dealerships	
Drive-in theaters	
Retail lumber and building supplies	
Retail garden nurseries and garden supplies	
Open air businesses	
Gas stations and service stations	
Car wash establishments	
Hotels and motels with community sanitary sewer only	
Billboards as a principal use	
Contractors yard where all materials or vehicles (i) are stored inside an enclosed building, or (ii) are visually screened by a fence, wall, or greenbelt to a height of not less than 6 feet on all sides (with the height of any fence or wall not to vary by more than 1 foot around all sides of the contractors yard), all materials are not stacked higher than the height of the visual screen, and the visual screen is located at least 40 feet from the front lot line. The term CONTRACTORS YARD shall not be construed to include a waste hauling business in whole or in part	
Mini warehouse or storage facility in which all warehousing and storage is conducted within a completely enclosed building	
Child care centers or day care centers	
Ambulance services	
Banks, building and loan associations and other money lending institutions	
Professional offices, clinical/ medical offices, personal service establishments	
Animal hospitals/ kennels	
Retail shops where no assembling, treatments or manufacturing is required	
Dry cleaning and laundry pick-up services	
Funeral parlors	
Bowling alleys	
Theaters	
Private clubs, lodges	

MICHIGAN REGIONAL VACANT LAND PURCHASE AGREEMENT

DATE: Mar 12, 2026 (time) _____ MLS # 26007512

SELLING OFFICE: City2Shore Gateway Group BROKER LIC.#: _____ REALTOR® PHONE: _____

LISTING OFFICE: City2Shore Gateway Group LISTING AGENT: Kelly Hover REALTOR® PHONE: _____

1. **Effective Date:** This Agreement is effective upon the delivery of Seller's acceptance of Buyer's offer to Buyer or Buyer's Agent, or upon the delivery of Buyer's acceptance of any counteroffer to Seller or Seller's Agent, as the case may be, and this date will hereafter be referred to as the "Effective Date". Further, any reference to "days" in this Agreement refers to calendar days. The first calendar day begins at 12:01 a.m. on the day after the Effective Date. Any reference to "time" refers to local time where the property is located.

2. **Agency Disclosure:** The Undersigned Buyer and Seller each acknowledge that they have read and signed the Disclosure Regarding Real Estate Agency Relationships. The selling licensee is acting as (check one):

- Agent/Subagent of Seller
- Buyer's Agent
- Dual Agent (with written, informed consent of both Buyer and Seller)
- Transaction Coordinator

Primary Selling Agent Name: Kelly Hover Email: _____ Lic.#: _____

Alternate Selling Agent Name: _____ Email: _____ Lic.#: _____

3. **Disclosure Statement:** Seller WILL WILL NOT complete the attached Seller's Disclosure Statement for Vacant Land within three (3) days after the Effective Date. The parties agree that a Disclosure Statement for Vacant Land is not mandated by Michigan law. Nevertheless, if indicated above, Seller will complete the form voluntarily based on Seller's personal knowledge of the Property (as defined below). The Disclosure Statement is not a warranty of any kind by Seller or by any agent representing Seller in this transaction. Further, it is NOT a substitute for any inspections Buyer is advised to obtain under the Inspections Paragraph contained herein. If the Disclosure Statement is unacceptable to Buyer, for any reason, Buyer will have the right to terminate this Agreement and receive any applicable Earnest Money Deposit by giving Seller written notice within four (4) days after Buyer's receipt of the Disclosure Statement, otherwise the right to terminate will be deemed to have been waived.

4. **Property Description:** Buyer offers to buy property located in the City Village Township of Sparta
County of Kent, Michigan, commonly known as (insert mailing address: (street/city/zip code):
V/L Parcel E Yost Parkway, Sparta, MI 49345, with the
following legal description and parcel ID numbers: see lengthly legal
PP# 41-05-26-300-037 ("Property").

The following paragraph applies only if the Property includes unplatted land:
Seller agrees to grant Buyer at closing the right to make (insert number) any and all division(s) under Section 108(2), (3), and (4) of the Michigan Land Division Act. (If no number is inserted, the right to make divisions under the sections referenced above stays with any remainder of the parent parcel retained by Seller. If a number is inserted, Seller retains all available divisions in excess of the number stated; however, Seller and/or REALTOR® do not warrant that the number of divisions stated is actually available.) If this sale will create a new division, Seller's obligations under this Agreement are contingent on Seller's receipt of municipal approval on or before _____ of the proposed division to create the Property.

5. **Purchase Price:** Buyer offers to buy the property for the sum of \$ 155,000.00 U.S. Dollars
one hundred fifty five thousand and no/100

6. **Seller Concessions**, if any: none

7. **Terms:** The Terms of Purchase will be as indicated by "X" below: (Other unmarked terms of purchase do not apply.)
SOURCE OF FUNDS TO CLOSE: Buyer represents that the funds necessary to close this transaction on the terms specified below are currently available to Buyer in cash or an equally liquid equivalent.

CASH: The full Purchase Price upon execution and delivery of Warranty Deed. Buyer Agrees to provide Buyer Agent/Dual Agent verification of funds within five (5) days after the Effective Date, and consents to the disclosure of such information to Seller and/or Seller's Agent. If verification of funds is not received within 5 days after the Effective Date, Seller may terminate this Agreement at any time before verification of funds is received by giving written notice to Buyer. Any appraisal required by Buyer will be arranged and paid for by Buyer within ten (10) days after the Effective Date of this Agreement.

NEW MORTGAGE: The full Purchase Price upon execution and delivery of Warranty Deed, contingent upon Buyer's ability to obtain a conventional type 30 (year) mortgage in the amount of 80 % of the sale price bearing interest at a rate not to exceed market % per annum (rate at time of loan application), on or before the date the sale is to be closed. Buyer agrees to apply for a mortgage loan, and pay all fees and costs customarily charged by Buyer's lender to process the application,

 Seller's Initials

Seller's Initials

 Buyer's Initials

Buyer's Initials

within 3 days after the Effective Date, not to impair Buyer's credit after the date hereof, and to accept such loan if offered. Buyer agrees does not agree to authorize Buyer's Agent/Dual Agent to obtain information from Buyer's lender regarding Buyer's financing, and consents to the disclosure of this information to Seller and/or Seller's Agent.

SELLER FINANCING (check one of the following): LAND CONTRACT or PURCHASE MONEY MORTGAGE

In the case of Seller financing, Buyer agrees to provide Seller with a credit report within 72 hours after the Effective Date. If the credit report is unacceptable to Seller, then Seller will have the right to terminate this offer within 48 hours of Seller's receipt, or if Buyer fails to provide said credit report to Seller within the time frame allotted, then Seller will have the right to terminate this offer within 48 hours. Seller is advised to seek professional advice regarding the credit report.

\$ _____ upon execution and delivery of a _____ form (name or type of form and revision date), a copy of which is attached, wherein the balance of \$ _____ will be payable in monthly installments of \$ _____ or more including interest at _____ % per annum, interest to start on date of closing, and first payment to become due thirty (30) days after date of closing. The entire unpaid balance will become due and payable _____ months after closing.

EQUITY (check one of the following): Formal Assumption or Informal Assumption

Upon execution and delivery of Warranty Deed subject to existing mortgage OR Assignment of Vendee Interest in Land Contract, Buyer to pay the difference (approximately \$ _____) between the Purchase Price above provided and the unpaid balance (approximately \$ _____) upon said mortgage or land contract, which Buyer agrees to assume and pay. Buyer agrees to reimburse Seller for accumulated funds held in escrow, if any, for payment of future taxes and insurance premiums, etc.

Exceptions: _____

OTHER: _____

8. **Appraisal:** If the Property's value stated in an appraisal obtained by Buyer or Buyer's lender ("Appraisal") is less than the Purchase Price, Buyer may within three (3) days after Buyer has received the Appraisal, by written notice to Seller, either terminate this Agreement and receive a refund of Buyer's Earnest Money Deposit, or make a written proposal to Seller, which proposal must be in the form of an addendum and must be signed by Buyer in order for it to be effective. If Buyer fails to terminate this Agreement or present an addendum within the above referenced time period, then Buyer will be deemed to have accepted the Appraisal as-is. Seller may negotiate with Buyer, do nothing, or by written notice to Buyer, accept Buyer's addendum. If Seller fails to respond or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's addendum, then Seller will be deemed to have rejected Buyer's addendum. Buyer will then have three (3) days to provide written notice of termination of this Agreement, in which case Buyer will receive a refund of any Earnest Money Deposit. If Buyer fails to terminate this Agreement within the three (3) day period, Buyer will proceed to closing according to the terms and conditions of this Agreement.

9. **Contingencies:** Buyer's obligation to consummate this transaction (check one):

IS NOT CONTINGENT - is not contingent upon the sale or exchange of any other property by Buyer.

IS CONTINGENT UPON CLOSING - is contingent upon closing of an existing sale or exchange of Buyer's property located at: _____

A copy of Buyer's agreement to sell or exchange that property is being delivered to Seller along with this offer. If the existing sale or exchange terminates for any reason, Buyer will immediately notify Seller, and either party may terminate this Agreement, in writing, within three (3) days of Buyer's notice to Seller. If either party terminates, Buyer will receive a refund of any applicable Earnest Money Deposit.

IS CONTINGENT UPON THE SALE AND CLOSING - is contingent upon the execution of a binding agreement and the closing of a sale or exchange of Buyer's property located at _____ on or before _____.

Seller will have the right to continue to market Seller's property until Buyer enters into a binding agreement to sell or exchange Buyer's property and delivers a copy thereof to Seller. During such marketing period, Seller may enter into a binding contract for sale to another purchaser on such price and terms as Seller appropriate. In such event, this Agreement will automatically terminate, Buyer will be notified promptly, and Buyer's Earnest Money Deposit will be refunded.

Exceptions: _____

10. **Fixtures and Improvements:** All improvements and appurtenances are included in the Purchase Price; and any and all items and fixtures permanently affixed to the Property.

Exceptions: _____

11. **Assessments (choose one):**

If the Property is subject to any assessments

Seller to pay entire balance of any assessments related to the Property (regardless of any installment arrangements), except for any fees that are required for future connection to public utilities. OR

Seller will pay all installments of such assessments that become due and payable on or before day of closing. Buyer will assume and pay all other installments of such assessments.

Seller has an ongoing obligation through the Closing to disclose to the Buyer any known pending assessments, including, but not limited to, any mandatory utility connection requirements, and/or benefit charges, and condominium special assessments, that have not been previously disclosed in writing to Buyer.

12. **Property Taxes:** Seller will be responsible for any taxes billed prior to those addressed below. Buyer will be responsible for all taxes billed after those addressed below.

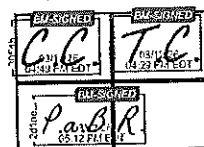
VIL Parcel E Yost Pkwy, Sparta, MI 49345

Subject Property Address/Description

Date

Time

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Buyer's Initials

Seller's Initials

- No proration. (Choose one):
 - Buyer Seller will pay taxes billed summer _____ (year);
 - Buyer Seller will pay taxes billed winter _____ (year);
- Calendar Year Proration (all taxes billed or to be billed in the year of the closing). Calendar year tax levies will be estimated, if necessary, using the taxable value and the millage rate(s) in effect on the day of closing, broken down to a per diem tax payment and prorated to the date of closing with Seller paying for January 1 through the day before closing.
- Fiscal Year Proration - Taxes will be prorated as though they are paid in (choose one): advance. arrears.

Fiscal Year will be assumed to cover a 12-month period from date billed, and taxes will be prorated to the date of closing. Fiscal year tax levies will be estimated, if necessary, using the taxable value and millage rate(s) in effect on the day of closing, broken down to a per diem tax payment and prorated to the date of closing with Seller paying through the day before closing.

Buyer is also advised that the state equalized value of the Property, principal residence exemption information and other real property tax information is available the appropriate local assessor's office. Buyer acknowledges and agrees that property taxes for the Property may be higher than the amount of current property taxes. Under Michigan law, real property tax obligations can change significantly when property is transferred.

13. **Sidewalk Inspection:** If Property is in a municipality that requires a sidewalk inspection, Seller will order the inspection and pay for any repairs deemed necessary by the municipality, so that the Property will be in compliance with any applicable sidewalk ordinance as of the closing date.

14. **Inspections:** By signing this Agreement, Buyer is representing that Buyer is aware that professional services are commercially available at a fee by expert(s) selected by Buyer.

- NO INSPECTIONS. Buyer elects to waive any and all inspections and agrees to accept the Property in "as-is" condition.
- INSPECTIONS. Buyer has elected to arrange and pay for the following services/investigations, which will include, but not be limited to:
 - soil suitability for intended use
 - zoning classification
 - availability of utilities
 - availability of building or driveway permits
 - existence of wetlands
 - tax classification
 - contents of applicable restrictive covenants and building codes
 - general suitability for Buyer's intended use
 - any existing well/septic
 - flood zone
 - Other (specify): _____

Buyer will have the right to terminate this Agreement and receive any applicable Earnest Money Deposit if the due diligence results are not acceptable to Buyer by giving Seller written notice within 10 calendar days after the Effective Date of this Agreement, otherwise the right to terminate will be deemed to have been waived.

During this period, Buyer, Buyer's agents and representatives will have reasonable access to the Property to conduct such investigations as Buyer deems appropriate. Buyer agrees to indemnify and hold Seller harmless from any liability or claim arising from or in any way connected with any such inspections, including all costs and reasonable attorney's fees. To the extent the Property is damaged due to any of Buyer's investigations, Buyer agrees to restore the Property to its original condition.

By closing this transaction, Buyer agrees to accept the Property in "as-is" condition and "with all faults."

Exceptions: _____

15. **Title Insurance:** Seller agrees to convey marketable title to the Property subject to conditions, limitations, reservation of oil, gas and other mineral rights, existing zoning ordinances, and building and use restrictions and easements of record. An expanded coverage ALTA Homeowner's Policy of Title Insurance in the amount of the Purchase Price will be ordered by Seller within **five (5) days** after the Effective Date and furnished to Buyer at Seller's expense, and a commitment to issue a policy insuring marketable title vested in Buyer, including supporting documents and a real estate tax status report, will be made available to Buyer promptly upon receipt. If Buyer so chooses, or if an expanded policy is not applicable, then a standard ALTA Owners' Policy of Title Insurance will be provided. If Buyer objects to any conditions, Buyer may, within three (3) days after Buyer has received the Title Commitment, by written notice to Seller, either terminate this Agreement and receive a refund of Buyer's Earnest Money Deposit, or make a written proposal to Seller to correct those unsatisfactory conditions, which proposal must be in the form of an addendum and must be signed by Buyer in order for it to be effective. If Buyer fails to terminate this Agreement or present an addendum within the above referenced time period, then Buyer will be deemed to have accepted the Title Commitment as-is. Seller may negotiate with Buyer, do nothing, or by written notice to Buyer, accept Buyer's addendum. If Seller fails to respond or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's addendum, then Seller shall be deemed to have rejected Buyer's addendum. Buyer will then have three (3) days to provide written notice of termination of this Agreement, in which case Buyer will receive a refund of any Earnest Money Deposit. If Buyer fails to terminate this Agreement within the three (3) day period, Buyer will proceed to closing according to the terms and conditions of this Agreement. Exceptions:

16. **Property Survey:** Broker advises that Buyer should have a survey performed to satisfy Buyer as to the boundaries of the property and the location of improvements thereon.

- Buyer or Seller (check one) will within ten (10) days of the Effective Date order, at their expense, a boundary survey with iron corner stakes showing the location of the boundaries, improvements and easements in connection with the Property. Upon receipt of the survey, if Buyer objects to any conditions, in Buyer's sole discretion, which would interfere with Buyer's intended use of the Property, the marketability of the title, or zoning non-compliance, Buyer may, within three (3) days after Buyer has received the Survey, by written notice to Seller, either terminate this Agreement and receive a refund of Buyer's Earnest Money Deposit, or make a written proposal to Seller to correct those unsatisfactory conditions, which proposal must be in the form of an addendum and must be signed by Buyer in order for it to be effective. If Buyer fails to terminate this Agreement or present an addendum within the above referenced time period, then Buyer will be deemed to have accepted the Property Survey as-is. Seller may negotiate with Buyer, do nothing, or by written notice to Buyer, accept Buyer's addendum. If Seller fails to respond or to arrive at a mutually agreeable resolution within three (3) days after Seller's receipt of Buyer's addendum, then Seller shall be deemed to have rejected Buyer's addendum. Buyer will then have three (3) days to provide written notice of termination of this Agreement and will receive a refund of any Earnest Money Deposit. If Buyer

BUYER'S INITIALS	SELLER'S INITIALS
<i>C.C.</i>	<i>T.C.</i>
<i>P.A.B.</i>	<i>A.I.</i>

Buyer's Initials
 Seller's Initials

25. **Fax/Electronic Distribution and Electronic Signatures:** Buyer and Seller agree that any signed copy of this Agreement and any amendments or addendums related to this transaction transmitted by facsimile or other electronic means will be competent evidence of its contents to the same effect as an original signed copy. Buyer and Seller further agree that an electronic signature is the legal equivalent of a manual or handwritten signature, and consent to use of electronic signatures. Buyer and Seller agree that any notice(s) required or permitted under this Agreement may also be transmitted by facsimile or other electronic means.

26. **Wire Fraud:** Seller and Buyer are advised that wire fraud is an increasingly common problem. If you receive any electronic communication directing you to transfer funds or provide nonpublic personal information (such as social security numbers, drivers' license numbers, wire instructions, bank account numbers, etc.), **even if that electronic communication appears to be from the Broker, Title Company, or Lender, DO NOT REPLY** until you have verified the authenticity of the email by direct communication with Broker, Title Company, or Lender. **DO NOT** use telephone numbers provided in the email. Such requests may be part of a scheme to steal funds or use your identity.

27. **Expiration:** For valuable consideration, Buyer gives Seller until 8 pm (time) on Mar 12, 2026 (date), to deliver the written acceptance of this offer and agrees that this offer, when accepted by Seller, will constitute a binding Agreement between Buyer and Seller.

28. **Buyer's Approval and Acknowledgment:** Buyer approves the terms of this offer and acknowledges receipt of a copy of this offer.

Buyer 1 Address _____ X  Buyer

Buyer 1 Phone: (Res.) _____ (Bus.) _____ Connor Clay
Print name as you want it to appear on documents.

Buyer 2 Address _____ X  Buyer

Buyer 2 Phone: (Res.) _____ (Bus.) _____ Tim Clay
Print name as you want it to appear on documents.

29. **Seller's Response:** The above offer is accepted:



As written.



As written except:

Counteroffer, if any, expires _____, at _____ (time). Seller has the right to withdraw this counter offer and to accept other offers until Seller or Seller's Agent has received notice of Buyer's acceptance.

30. **Seller's Acceptance and Acknowledgment:** Seller accepts the terms of this Agreement and acknowledges receipt of a copy. If Seller's response occurs after Buyer's offer expires, then Seller's response is considered a counteroffer and Buyer's acceptance is required below.

X (Seller's Signature, Date, Time):

 3/12/2026, 5:15 pm

Is Seller a U.S. Citizen? Yes No*

Print name as you want it to appear on documents.

X (Seller's Signature, Date, Time):

Is Seller a U.S. Citizen? Yes No*

Print name as you want it to appear on documents.

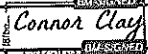
Seller's Address: _____

Seller's Phone (Res.) _____ (Bus.) _____


* If Seller(s) is not a U.S. Citizen, there may be tax implications and Buyer and Seller are advised to seek professional advice.

31. **Buyer's Receipt/Acceptance:** Buyer acknowledges receipt of Seller's response to Buyer's offer. In the event Seller's response constitutes a counteroffer, Buyer accepts said counteroffer. All other terms and conditions in the offer remain unchanged.

X (Buyer's Signature, Date, Time):



X (Buyer's Signature, Date, Time):



32. **Seller's Receipt:** Seller acknowledges receipt of Buyer's acceptance of counteroffer.

X (Seller's Signature, Date, Time):

Rebeka Rogers 3-12-2026 5:15pm

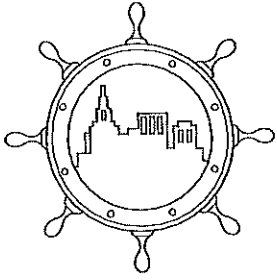
X (Seller's Signature, Date, Time):

Mar 12, 2026

Subject Property Address/Description

Date

Time



Fresh Coast Planning

119 1/2 Washington Avenue, Studio B
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA

Kevin Yeomans

Alexis Gulker

Aaron Bigelow

Andrea Goodell

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: 5/1/2026
Re: Home Occupation Regulations Review

Per the Planning Commission's deliberations at your April 2026 meeting, we have edited the draft home occupations amendment. Attached is a copy of the third draft of this amendment. The following changes have been made:

1. Non-Resident Employees: We have removed the cap on non-resident employees and updated subsection 6(b) so that non-resident employees are only allowed if approved by the Planning Commission. These updates also include standards of review and clear authority for the Planning Commission to place caps on the number of employees and/or other conditions of approval.
2. Accessory Building Maximum Floor Area: The maximum floor area for a home based business in an accessory building has been lowered to 1,200 square feet but also grants the Planning Commission the authority to approved larger floor areas.

1,200 square feet is recommended as the starting point for maximum floor area because it is a common accessory building size for smaller residential lots (i.e. one acre or less) and having this limit is intended to allow the Planning Commission the ability to better mitigate potential negative impacts of home based businesses that may be proposed in more densely developed residential areas.

The Planning Commission should determine whether this is the appropriate number or if maximum floor area requirements should be completely removed and determined solely based on the Planning Commission's discretion.

Additional Question

Would the Commission like to include sketch plan provisions for accessory dwelling units?

Review of the updated draft is scheduled for review at your May 12, 2026, meeting.

Kevin Yeomans

Kevin Yeomans

Planner

Attachments

CC: Dale Bergman, Township Supervisor

Definition – Section 154.006

HOME BASED BUSINESS. This is similar to a Home Occupation but can be conducted both in a single-family residential dwelling and an accessory building if approved as a special land use by the Planning Commission.

HOME OCCUPATION. A profession or other occupation not otherwise permitted in the zoning district involved, that is conducted as an accessory use within a single-family dwelling by one or more members of the family residing in the dwelling, and that conforms to the provisions of § 154.208 of this chapter.

§ 154.208 HOME OCCUPATIONS AND HOME BASED BUSINESSES.

(A) Home occupations, as defined in this chapter, are permitted as a use-by-right as an accessory use as provided in § 154.247 of this chapter; provided that, all of the following regulations shall control.

- (1) No other than members of the family residing in the dwelling shall be engaged in connection with such home occupation at the same time.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the main building.
- (4) No home occupation shall be conducted outdoors or in any accessory building.
- (5) There shall be no sale of products or services, except as are produced on the premises by such home occupation.
- (6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (7) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. If conducted in other than a single-family dwelling, such nuisance shall not be detectable outside the dwelling unit. In the case of

electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(8) In particular, a home occupation can be, but is not limited to: art studio; dressmaking; teacher, with musical or dancing instruction limited to four to six pupils at a time; contractor's office; professional office or studio or a physician, dentist, author, artist, musician, lawyer, engineer, architect, community planner, realtor, accountant, one-chair salon or similar use; but shall not include animal hospital, automotive repair service, restaurant, tearoom, tavern or similar use.

(B) Home Based Businesses, as defined in this Chapter, are permitted as a special land use as an accessory use as provided in § 154.247 of this chapter; provided that, all of the following regulations shall control.

(1) Home based businesses shall meet all of the requirements for a Home Occupation.

(2) Sketch Plan: In place of a site plan a sketch plan may be submitted. The sketch plan shall be drawn to scale. The sketch plan shall include the location, dimensions, and area, of all structures and parking areas on the site. The sketch plan shall include a scale, north arrow, date of drawing, property owner's name and address, and description of the nature of the home based business. Section 154.162 – Standards for Review and Approval shall still apply.

(a) The Planning Commission may require a site plan meeting the requirements of Section 154.170 if deemed necessary. In making this determination the Planning Commission shall consider the following:

1. The scale of the proposed home based business.
2. Distance to the nearest non-participating structure.
3. Nature of the home based business and its potential impact to nearby properties.
4. The magnitude of proposed changes to existing grades and the natural landscape.

(3) Non-transferability: No home based business shall be assigned, transferred, or otherwise conveyed to another person or business entity. Any change in the ownership of the home based business shall require the filing of a new application and a full compliance review.

(4) Inspection: The home based business shall be subject to periodic inspections by the Zoning Administrator or other designated officials to determine that

the home based business is proceeding in accordance with the conditions and requirements of the approved sketch plan and special land use approval.

(5) The home based business shall be conducted primarily by one or more persons residing in a dwelling on the same lot.

(6) ~~On a lot five acres or larger, a~~ A home based business may shall not employ a maximum of three (3) persons who do not reside on the premises, unless specifically approved by the Planning Commission. The Commission shall only grant such approvals if it determines that the addition of non-resident employees will not adversely impact the health, safety, and welfare, nor diminish the character of the area. In making this determination the Planning Commission shall consider the following:

(a) Nature of the Operation: The type of business activity, including the frequency of client visits, the necessity of on-site staff for the specific service provided, and the hours during which employees will be present.

(b) Lot Dimensions and Separation: The size of the subject parcel and the physical distance between the primary structure (or area of business activity) and the nearest non-participating residential dwellings. Larger setbacks may be required to mitigate the perceived intensity of the business.

(c) Site Mitigation and Buffering: The adequacy of existing or proposed physical characteristics of the lot, including natural topography, professional landscaping, fencing, and screening—to effectively shield neighboring properties from parking areas, increased activity, or light spillover.

(d) Zoning Intent and Land Use Compatibility: The degree to which the proposed employment density aligns with the stated intent of the underlying Zoning District. The Commission shall ensure the activity remains secondary to the residential use and is harmonious with the scale and intensity of the surrounding land uses.

(7) ~~subject to the following conditions:~~ Conditions of Approval: In granting approval for non-resident employees the Planning Commission may impose reasonable conditions, including but not limited to:

(a) -Caps on Headcount: A strict limit on the total number of non-resident employees allowed on-site simultaneously.

(b) Parking Requirements: Mandatory off-street parking configurations to prevent employee overflow onto public rights-of-way.

~~(a)(c)~~ Time Limitations: Restricted hours of operation and/or restricted hours of arrival and departure for staff to minimize disruptions during sensitive morning or evening hours.

~~1. Additional off-street parking for non-resident employees shall be provided and screened from view from adjacent properties and the road.~~

~~2. Non-resident employees shall only be permitted to work between the hours of 8:00 AM and 6:00 PM.~~

~~(6)(8)~~ There shall be no sale of products or services, except as are produced on the premises by such home based business and only if permitted by the Planning Commission.

~~(7)(9)~~ There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home based business other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the main building.

~~(8)(10)~~ No traffic shall be generated by such home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home based business shall be met off the street and other than in a required front yard.

~~(9)(11)~~ No equipment or process shall be used in such home based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises.

~~(10)(12)~~ Districts Allowed:

(a) Ag-1

(b) Ag-2

(c) R-1

~~(11)(13)~~ Minimum Lot Area

(a) Ag-1

(b) Ag-2

(c) R-1

~~(12)(14)~~ A Home Based Business may occur within the single-family dwelling and not more than one accessory building located on the same lot as the single-family dwelling.

~~(13)~~(15) The use of the dwelling unit or accessory building for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

~~(14)~~(16) Maximum Floor Area

(a) Dwelling: Not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home based business.

(b) Accessory Building: Not more than ~~3,300~~1,200 square feet of floor area within an accessory building shall be used in the conduct of the home based business, unless a larger floor area is approved by the Planning Commission.

1. The Commission shall only grant an expansion of floor area if the applicant demonstrates the increased scale of the operation will not adversely impact the health, safety, and welfare, nor diminish the character of the area. In making this determination the Planning Commission shall consider the following:

a. Nature of the Operation: The intensity of the use, including the type of equipment utilized, storage requirements, and the frequency of vehicular trips (deliveries or clients) generated by the larger footprint.

b. Lot Dimensions and Separation: The size of the subject lot and the setbacks between the accessory building and adjacent non-participating dwellings. The Commission shall determine if the lot is of sufficient size to absorb the increased intensity of the business use.

c. Site Mitigation and Buffering: The effectiveness of existing or proposed screening, including landscaping, berms, or fencing—to obscure the business activity and minimize its visual and auditory impact on neighboring properties.

d. Zoning Intent and Land Use Compatibility: The degree to which the expanded use maintains the primary purpose of the property and remains consistent with the intent of the underlying Zoning District and the character of surrounding land uses.

~~1-2.~~ Conditions of Approval: In granting approval for a larger floor area, the Planning Commission may impose reasonable conditions related to noise reduction, hours of

operation, or enhanced landscaping to ensure continued compatibility with the character of the area.

~~(15)~~(17) Setbacks

- (a) Dwelling: Shall meet the setback requirements for a single-family dwelling as required by the zoning district.
- (b) Accessory Building: Shall meet the setback requirements for an accessory building as required by the zoning district. However, in their review of the special land use the Planning Commission may required greater setbacks and/or additional landscaping and/or screening between the accessory building and adjoining properties and/or road to ensure that home based business will have no substantial adverse impacts by reason of noise, fumes, vibration, lights, or views.

~~(16)~~(18) No toxic or hazardous materials may be used or stored on the premises to support such home based business except in a safe manner and in full compliance with federal, state, and local requirements as to use, handling, storage, transport, and disposal of any such materials.

~~(17)~~(19) All machinery and other equipment, associated with the home based business must, at all times, be located within a completely enclosed accessory building, accessory to the residential dwelling which is on the same parcel as the business or withing an outdoor storage area that is screened from public view.

- (a) Outdoor Storage Screening: Visual buffers, such as year-round greenery, decorative fencing, or earthen berms, shall be utilized to maintain a continuous screen of all outdoor storage from public view in all seasons.

~~(18)~~(20) In particular, a home based business can be, but is not limited to: electrical, plumbing, heating, landscaping, and building contractors and excavators or similar use; but shall not include warehousing, distribution, or automotive repair.

NOTE: Review and, if necessary, update table of permitted uses.

Definition – Section 154.006

HOME BASED BUSINESS. This is similar to a Home Occupation but can be conducted both in a single-family residential dwelling and an accessory building if approved as a special land use by the Planning Commission.

HOME OCCUPATION. A profession or other occupation not otherwise permitted in the zoning district involved, that is conducted as an accessory use within a single-family dwelling by one or more members of the family residing in the dwelling, and that conforms to the provisions of § 154.208 of this chapter.

§ 154.208 HOME OCCUPATIONS AND HOME BASED BUSINESSES.

(A) Home occupations, as defined in this chapter, are permitted as a use-by-right as an accessory use as provided in § 154.247 of this chapter; provided that, all of the following regulations shall control.

(1) No other than members of the family residing in the dwelling shall be engaged in connection with such home occupation at the same time.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(3) There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the main building.

(4) No home occupation shall be conducted outdoors or in any accessory building.

(5) There shall be no sale of products or services, except as are produced on the premises by such home occupation.

(6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(7) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. If conducted in other than a single-family dwelling, such nuisance shall not be detectable outside the dwelling unit. In the case of

electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

(8) In particular, a home occupation can be, but is not limited to: art studio; dressmaking; teacher, with musical or dancing instruction limited to four to six pupils at a time; contractor's office; professional office or studio or a physician, dentist, author, artist, musician, lawyer, engineer, architect, community planner, realtor, accountant, one-chair salon or similar use; but shall not include animal hospital, automotive repair service, restaurant, tearoom, tavern or similar use.

(B) Home Based Businesses, as defined in this Chapter, are permitted as a special land use as an accessory use as provided in § 154.247 of this chapter; provided that, all of the following regulations shall control.

(1) Home based businesses shall meet all of the requirements for a Home Occupation.

(2) Sketch Plan: In place of a site plan a sketch plan may be submitted. The sketch plan shall be drawn to scale. The sketch plan shall include the location, dimensions, and area, of all structures and parking areas on the site. The sketch plan shall include a scale, north arrow, date of drawing, property owner's name and address, and description of the nature of the home based business. Section 154.162 - Standards for Review and Approval shall still apply.

(a) The Planning Commission may require a site plan meeting the requirements of Section 154.170 if deemed necessary. In making this determination the Planning Commission shall consider the following:

1. The scale of the proposed home based business.
2. Distance to the nearest non-participating structure.
3. Nature of the home based business and its potential impact to nearby properties.
4. The magnitude of proposed changes to existing grades and the natural landscape.

(3) Non-transferability: No home based business shall be assigned, transferred, or otherwise conveyed to another person or business entity. Any change in the ownership of the home based business shall require the filing of a new application and a full compliance review.

(4) Inspection: The home based business shall be subject to periodic inspections by the Zoning Administrator or other designated officials to determine that

the home based business is proceeding in accordance with the conditions and requirements of the approved sketch plan and special land use approval.

(5) The home based business shall be conducted primarily by one or more persons residing in a dwelling on the same lot.

(6) A home based business shall not employ persons who do not reside on the premises, unless specifically approved by the Planning Commission. The Commission shall only grant such approvals if it determines that the addition of non-resident employees will not adversely impact the health, safety, and welfare, nor diminish the character of the area. In making this determination the Planning Commission shall consider the following:

(a) Nature of the Operation: The type of business activity, including the frequency of client visits, the necessity of on-site staff for the specific service provided, and the hours during which employees will be present.

(b) Lot Dimensions and Separation: The size of the subject parcel and the physical distance between the primary structure (or area of business activity) and the nearest non-participating residential dwellings. Larger setbacks may be required to mitigate the perceived intensity of the business.

(c) Site Mitigation and Buffering: The adequacy of existing or proposed physical characteristics of the lot, including natural topography, professional landscaping, fencing, and screening—to effectively shield neighboring properties from parking areas, increased activity, or light spillover.

(d) Zoning Intent and Land Use Compatibility: The degree to which the proposed employment density aligns with the stated intent of the underlying Zoning District. The Commission shall ensure the activity remains secondary to the residential use and is harmonious with the scale and intensity of the surrounding land uses.

(7) Conditions of Approval: In granting approval for non-resident employees the Planning Commission may impose reasonable conditions, including but not limited to:

(a) Caps on Headcount: A strict limit on the total number of non-resident employees allowed on-site simultaneously.

(b) Parking Requirements: Mandatory off-street parking configurations to prevent employee overflow onto public rights-of-way.

- (c) Time Limitations: Restricted hours of operation and/or restricted hours of arrival and departure for staff to minimize disruptions during sensitive morning or evening hours.
- (8) There shall be no sale of products or services, except as are produced on the premises by such home based business and only if permitted by the Planning Commission.
- (9) There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home based business other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the main building.
- (10) No traffic shall be generated by such home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home based business shall be met off the street and other than in a required front yard.
- (11) No equipment or process shall be used in such home based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises.
- (12) Districts Allowed:
 - (a) Ag-1
 - (b) Ag-2
 - (c) R-1
- (13) Minimum Lot Area
 - (a) Ag-1
 - (b) Ag-2
 - (c) R-1
- (14) A Home Based Business may occur within the single-family dwelling and not more than one accessory building located on the same lot as the single-family dwelling.
- (15) The use of the dwelling unit or accessory building for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (16) Maximum Floor Area

- (a) Dwelling: Not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home based business.
- (b) Accessory Building: Not more than 1,200 square feet of floor area within an accessory building shall be used in the conduct of the home based business, unless a larger floor area is approved by the Planning Commission.

1. The Commission shall only grant an expansion of floor area if the applicant demonstrates the increased scale of the operation will not adversely impact the health, safety, and welfare, nor diminish the character of the area. In making this determination the Planning Commission shall consider the following:

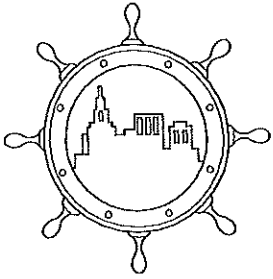
- a. Nature of the Operation: The intensity of the use, including the type of equipment utilized, storage requirements, and the frequency of vehicular trips (deliveries or clients) generated by the larger footprint.
- b. Lot Dimensions and Separation: The size of the subject lot and the setbacks between the accessory building and adjacent non-participating dwellings. The Commission shall determine if the lot is of sufficient size to absorb the increased intensity of the business use.
- c. Site Mitigation and Buffering: The effectiveness of existing or proposed screening, including landscaping, berms, or fencing—to obscure the business activity and minimize its visual and auditory impact on neighboring properties.
- d. Zoning Intent and Land Use Compatibility: The degree to which the expanded use maintains the primary purpose of the property and remains consistent with the intent of the underlying Zoning District and the character of surrounding land uses.

2. Conditions of Approval: In granting approval for a larger floor area, the Planning Commission may impose reasonable conditions related to noise reduction, hours of operation, or enhanced landscaping to ensure continued compatibility with the character of the area.

(17) Setbacks

- (a) Dwelling: Shall meet the setback requirements for a single-family dwelling as required by the zoning district.
 - (b) Accessory Building: Shall meet the setback requirements for an accessory building as required by the zoning district. However, in their review of the special land use the Planning Commission may required greater setbacks and/or additional landscaping and/or screening between the accessory building and adjoining properties and/or road to ensure that home based business will have no substantial adverse impacts by reason of noise, fumes, vibration, lights, or views.
- (18) No toxic or hazardous materials may be used or stored on the premises to support such home based business except in a safe manner and in full compliance with federal, state, and local requirements as to use, handling, storage, transport, and disposal of any such materials.
- (19) All machinery and other equipment, associated with the home based business must, at all times, be located within a completely enclosed accessory building, accessory to the residential dwelling which is on the same parcel as the business or within an outdoor storage area that is screened from public view.
- (a) Outdoor Storage Screening: Visual buffers, such as year-round greenery, decorative fencing, or earthen berms, shall be utilized to maintain a continuous screen of all outdoor storage from public view in all seasons.
- (20) In particular, a home based business can be, but is not limited to: electrical, plumbing, heating, landscaping, and building contractors and excavators or similar use; but shall not include warehousing, distribution, or automotive repair.

NOTE: Review and, if necessary, update table of permitted uses.



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6

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: 5/4/2026
Re: Data Center Regulation Review

Over the past few months the Planning Commission has been reviewing studies, articles, news stories, and other reports related to data centers and their potential impacts. In order to help facilitate deliberations at your May 12, 2026, meeting we present the following items for your consideration.

Differentiate Based on Size

In the draft provided by the Township's legal counsel there is no differentiation between data centers based on their size. As can be seen in Solon Township's draft ordinance, it is possible to differentiate between different size (scale) data centers.

Does the Planning Commission want to differentiate between different scales of data centers?

- If yes, the Planning Commission will need to provide us with guidance on how to prepare this scale.
- If no, the Planning Commission can determine to only allow data centers regardless of size as a special land use in Industrial, as previously discussed.

More information on Scale

Solon Township's draft is comprehensive and well-written, but if the Planning Commission chooses to build from Solon's draft there does appear to be areas to simplify. For example, while Solon Township differentiates by small-scale, medium-scale, and hyper-scale, the ordinance effectively treats medium and hyper-scale data centers as the same use. The ordinance could be simplified to only differentiate between small-scale and large-scale data centers.

Additionally, if the Planning Commission determines to differentiate between sizes of data centers, we would recommend additional criteria beyond just power needs. We would recommend adding language that also has a physical footprint of lot coverage requirement. Below are the sample definitions from Solon Township's draft that also show our recommended edits.

Small-Scale Data Center. A data center that requires less than five megawatts (5 MW) of power to operate and has a physical footprint of less than 5,000 square feet.

Medium-Scale Data Center. A data center that requires between five megawatts (5 MW) and ~~ninety-nine~~ twenty megawatts (~~99~~20 MW) of power to operate and has a physical footprint of less than 50,000 square feet.

~~Hyperscale~~ Large-Scale Data Center. A data center that is typically located in a warehouse-sized facility that stores servers to handle very large processing workloads, and typically host 5,000 or more servers. requires ~~one-hundred~~ twenty megawatts (~~100~~20 MW) or more of power to operate or has a physical footprint of 50,000 square feet or greater.

As you'll see above, in addition to the physical footprint there are additional recommended edits to the definitions of medium-scale and hyperscale.

Name: Changing hyperscale to Large-Scale. Hyperscale has taken on a context that means different things to different people. Instead of using a term that may come with preconceptions, create your own scale to avoid future disagreements based on misconceptions.

Megawatts: Solon's draft states medium-scale is up to 99 MW, which still allows for a massive footprint that would likely exceed traditional industrial facility footprints in Sparta Township. For example, an 80 MW data center could require 50 to 100+ acres of land, with a building footprint of 260,000+ square feet. If the Planning Commission determines to differentiate between medium and large-scale data centers, the point of differentiation should be more closely reviewed.

Allowed as an Accessory Use

As you'll see in Solon's draft, they allow small-scale data centers to be accessory uses. This allows businesses to support their individual data needs. Does the Planning Commission wish to allow small-scale (or any other scale) data centers as an accessory use?

A copy of the definition from Solon's draft is included below. We have no recommended edits to this definition.

Accessory Data Center. A data center that is ancillary to the principal use of a lot of parcel, which is typically used solely to store or otherwise support an individual business's data and information technology needs. A data center is not considered an accessory data center if it requires more than five megawatts (5 MW) of power to operate.

Where Allowed

Once the Planning Commission has determined if and how you will differentiate based on size the following table can be used to identify where (which zoning district) and how (use by right, special land use) each size data center may be allowed. This determination is not necessarily final, as the Planning Commission deliberations proceed you may determine that changes in where and how data centers allowed may need to change.

	Ag-1	Ag-2	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
Accessory										
Small-Scale (Principal Use)										
Medium-Scale (Principal Use)										
Large-Scale (Principal Use)										

P = Use by Right
 S = Special Land Use
 Blank = Not Permitted

Decommissioning

As discussed at your April meeting, it would be beneficial to have provisions that provide for flexibility in decommissioning. In other words, instead of requiring a data center to be completely torn down and the site returned to previous conditions, the Planning Commission may want to require larger (or all data centers) to be designed in such a way that they can be repurposed for other uses allowed in the Zoning District in which they are located.

Once the Planning Commission has determined whether to differentiate based on size, which district(s) data centers are permitted in, and how they will be permitted (use-by-right, special land use) we can draft proposed regulations on how decommissioning/repurposing may be developed.

General and Specific Requirements

Similar to decommissioning once the Planning Commission has determined whether differentiating based on size may be appropriate, which district(s) data centers are permitted in, and how they will be permitted (use-by-right, special land use) we can draft general and specific requirements for further review by the Planning Commission.

Please let us know if you have any questions.

Kevin Yeomans

Kevin Yeomans
Planner

Attachments

cc: Dale Bergman, Township Supervisor

TOWNSHIP OF SPARTA

ORDINANCE NO. ____

**AN ORDINANCE TO REGULATE CRYPTOCURRENCY DATA MINING FACILITIES
AND DATA CENTERS**

The Township of Sparta ordains:

Section 1. Addition of New Section 154.235 to the Zoning Ordinance.

A new Section 154.235 entitled "Cryptocurrency Data Mining Facilities and Data Centers" is hereby added to the Township's Zoning Ordinance, to read, in its entirety, as follows:

Section 154.235 Cryptocurrency Data Mining Facilities and Data Centers.

A. Definitions.

CRYPTOCURRENCY DATA MINING FACILITY. A facility dedicated to operating data processing equipment for commercial cryptocurrency mining and the process by which cryptocurrency transactions are verified and added to digital ledgers.

DATA CENTER. A structure that houses information technology infrastructure and equipment for building, running, and delivering applications, and the storage of digital data. This includes Artificial Intelligence ("AI") Data Centers.

B. General Provisions.

- (1) Cryptocurrency Data Mining Facilities and Data Centers are permitted in the Township only as a special land use in the Industrial Zoning District.
- (2) The Township may enforce any remedy or enforcement, including but not limited to, the removal of any Cryptocurrency Data Mining Facilities and Data Centers pursuant to the Zoning Ordinance or as otherwise authorized by law if the Cryptocurrency Data Mining Facility or Data Center does not comply with this Section.

C. Special Land Use Application Requirements. In addition to the requirements of Section 154.186, an applicant for special land use approval of a Cryptocurrency Data Mining Facility or Data Center must provide the Township with all of the following:

- (1) An application fee in an amount set by resolution of the Township Board.
- (2) A list of all parcel numbers that the Cryptocurrency Data Mining Facility or Data Center will use; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

- (3) An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- (4) Current photographs of the subject property.
- (5) A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Cryptocurrency Data Mining Facility or Data Center will be connected to the power grid.
- (6) A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
- (7) A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Cryptocurrency Data Mining Facility or Data Center, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Cryptocurrency Data Mining Facility or Data Center and restore the subject parcels, which is subject to the Township's review and approval.
- (8) A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.
- (9) A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township's review and approval.

(10) A plan for managing any hazardous waste, which is subject to the Township's review and approval.

(11) A fire protection plan, which identifies the fire risks associated with the Cryptocurrency Data Mining Facility or Data Center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.

(12) A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

(13) An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township's review and approval.

(14) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.

(15) Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

D. System and Location Requirements. In addition to the requirements of Section 154.170 for a site plan, the site plan must include all of the following:

(1) Equipment. All equipment used in any Cryptocurrency Data Mining Facility or Data Center must be housed in a metered, electrically grounded, and pre-engineered or prefabricated metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes.

(2) Structures. All principal and accessory structures used for cryptocurrency mining operations and/or data centers, shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. If prefabricated, pre-engineered, or modular structures are installed, the following standards are required:

- a) All structures shall have concrete foundations.
 - b) All exterior facades shall have muted earth tone colors that will blend the facility into the natural setting and existing environment, and shall not be defective, decayed or corroded.
 - c) If intermodal shipping containers are utilized such installation shall comply with current National Electrical Code standards.
- (3) Lighting. The lighting of the Cryptocurrency Data Mining Facility or Data Center is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Cryptocurrency Data Mining Facility or Data Center. The Cryptocurrency Data Mining Facility or Data Center must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.
- (4) Security Fencing. Security fencing must be installed around all electrical equipment related to the Cryptocurrency Data Mining Facility or Data Center. Such fencing must be a minimum seven (7) feet tall and must use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- (5) Noise. The noise generated by the Cryptocurrency Data Mining Facility or Data Center must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.
- (6) Signage. The Cryptocurrency Data Mining Facility or Data Center shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.
- (7) Underground Transmission. All power transmission or other lines, wires, or conduits from a Cryptocurrency Data Mining Facility or Data Center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
- (8) Drain Tile Inspections. The Cryptocurrency Data Mining Facility or Data Center must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years using a robotic camera, with the first inspection occurring before the Cryptocurrency Data Mining Facility or Data Center is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

(9) Fire Protection.

- a) Before any construction of the Cryptocurrency Data Mining Facility or Data Center begins, the Township's fire department (or the fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Cryptocurrency Data Mining Facility or Data Center must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
 - b) The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
 - c) The Cryptocurrency Data Mining Facility or Data Center must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
 - d) The Cryptocurrency Data Mining Facility or Data Center must contain an internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.
- (10) Applicant must provide all Township Fire Department contractors with the appropriate equipment and training to address fires in the Cryptocurrency Data Mining Facility or Data Center.
- (11) Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.
- (12) Permits. All required county, state, and federal permits must be obtained before the Cryptocurrency Data Mining Facility or Data Center begins operating. A building permit is required for construction of a Cryptocurrency Data Mining

Facility or Data Center regardless of whether the applicant or operator is otherwise exempt under state law.

- (13) **Decommissioning.** If a Cryptocurrency Data Mining Facility or Data Center is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Cryptocurrency Data Mining Facility or Data Center that is never fully completed or operational if construction has been halted for a period of one (1) year.
- (14) **Financial Security.** To ensure proper decommissioning of a Cryptocurrency Data Mining Facility or Data Center upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
- (15) **Extraordinary Events.** If the Cryptocurrency Data Mining Facility or Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- (16) **Annual Report.** The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - a) Current proof of insurance;
 - b) Verification of financial security; and
 - c) A summary of all complaints, complaint resolutions, and extraordinary events.
- (17) **Inspections.** The Township may inspect a Cryptocurrency Data Mining Facility or Data Center at any time by providing 24-hour advance notice to the applicant or operator.
- (18) **Transferability.** A conditional land use permit for a Cryptocurrency Data Mining Facility or Data Center is transferable to a new owner. The new owner must register their name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

- (19) Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any Cryptocurrency Data Mining Facility or Data Center pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 2. Amendment of Section 154.247.

Section 154.247, is hereby amended to add Cryptocurrency Data Mining Facilities and Data Centers to the Table of Use Regulations as a special land use in the Industrial zoning district.

Section 3. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

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TOWNSHIP OF SOLON
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Solon, held in the Solon Township Hall, 15185 Algoma Avenue, within the Township, on the ___ day of _____, 2026, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following Ordinance was offered by _____ and seconded by _____.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF SOLON

[Data Centers and Digital Mining Uses]

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. **Data Centers and Digital Mining Uses.** Chapter 3 of the Solon Township Zoning Ordinance (the "Zoning Ordinance") is amended by the addition of a new Section 3.39 regarding data centers and digital mining uses, which shall read in its entirety as follows:

SECTION 3.39 DATA CENTERS AND DIGITAL MINING USES.

- A. Purpose. The purpose of this section is to provide regulations for data centers within the Township in a manner that protects the property values and lifestyles of adjacent and nearby properties and also the health, safety and general welfare of the Township and its residents.
- B. Definitions.
 - 1. Accessory Data Center. A data center that is ancillary to the principal use of a lot of parcel, which is typically used solely to store or otherwise support an individual business's data and information technology needs. A data center is not considered

an accessory data center if it requires more than five megawatts (5 MW) of power to operate.

2. Closed-Loop Cooling System. A sealed system where coolant circulates continuously, absorbing heat from a source, and then transfers that heat to a heat exchanger for removal, without the coolant ever being exposed to the environment.
3. Colocation Data Center. A data center that is rented out by the owner to provide space to other businesses for their servers and other computing hardware. In addition to providing physical space, colocation facilities may offer additional services including maintenance, backup power systems, and multiple network connections. A colocation data center may be a small-scale, medium-scale or hyperscale data center.
4. Data Center. A use involving a building or other structure that is primarily occupied by computers and/or telecommunications equipment and related equipment, including supporting equipment, where information is processed, transferred, or stored. A data center use shall not include a digital mining use. A data center which includes on-site solar or wind energy generation facilities used or intended to be used to supply power to the data center shall comply with the requirements of the zoning ordinance and any other ordinances regulating those uses.
5. Digital Currency. Currency in a digital format that involves the use of encryption techniques to regulate the generation of units of the digital currency and verify the transfer of funds, operating independently from a central bank.
6. Digital Mining. The process whereby computers (also referred to as “nodes” or “mining rigs”) validate blockchain transactions for a specific item of digital currency (commonly known as “bitcoin” or “cryptocurrency”) for a financial benefit.
7. Digital Mining Use. A use involving a building or structure that is primarily occupied by computers used for digital currency mining purposes. Typical physical characteristics of a digital mining use include, but are not limited to, specialized computer hardware or data centers with a non-diverse electrical use for mining operations as well as equipment to cool the hardware and operating space. For the purposes of this Zoning Ordinance, the scale of a digital mining use that is not connected to a data center is determined by the same power measurements provided in the definition of small-scale, medium scale, and hyperscale data centers in this Section 3.39.
8. Hyperscale Data Center. A data center that is typically located in a warehouse-sized facility that stores servers to handle very large processing workloads, and typically host 5,000 or more servers. requires one hundred megawatts (100 MW) or more of power to operate.

9. Medium-Scale Data Center. A data center that requires between five megawatts (5 MW) and ninety-nine megawatts (99 MW) of power to operate.
 10. Megawatts (MW). A unit of power that is used for the measurement of bulk electricity, and is equal to one million watts.
 11. Small-Scale Data Center. A data center that requires less than five megawatts (5 MW) of power to operate.
- C. Application. A site plan shall be submitted and reviewed prior to the approval of a data center or an expansion or change of use for a data center under the provisions of Chapter 14, except where special land use approval is required, in which case special land use approval under Chapter 16 shall be required. An application for a proposed data center or digital mining use shall include all of the information required for site plan review under Chapter 14, and the following additional information:
1. The site plan for the proposed use shall include the location of proposed buildings, structures and other improvements, floodplains, wetlands, any bodies of water, and the zoning districts for all adjacent properties and any existing dwellings within ½ mile of the proposed use.
 2. Evidence of preliminary contact with the proposed electrical service provider regarding whether there is capacity for the proposed use and whether the existing infrastructure and facilities can accommodate the proposed use.
 3. A noise mitigation plan shall be submitted, including, at a minimum, a detailed acoustic study showing the amount of noise that would be produced by normal operations of the data center and strategies to minimize noise and achieve a neutral impact on adjacent and nearby properties.
 4. The submittal shall contain a detailed narrative of the arrangements to be made for stormwater discharge, water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
 5. A project development timeline, including information regarding how the applicant will inform adjacent property owners and members of the community regarding the status of the project.
 6. A decommissioning plan, which shall include details regarding the planned method of safe removal and recycling or disposal of server infrastructure, any hazardous materials, batteries, electronic waste and related products.
 7. An agreement by the applicant to allow for periodic inspections to ensure compliance with the applicable regulations.
- D. Environmental Impact Assessment. The Applicant shall also provide an environmental

impact assessment with the application materials. This assessment shall describe the effect and impact that the proposed data center or digital mining use will or may have upon or with respect to the following matters:

1. The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
 2. A traffic impact study.
 3. Additional costs to governmental units; police and fire protection; storm water drainage; water supply and sewage disposal.
 4. Evidence that the disposal of wastewater and other materials will be accomplished in a manner that complies with local, state and federal regulations.
 5. Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare.
 6. A community impact analysis.
 7. An analysis by a third party of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems. This analysis shall include any impact on private utility systems located on adjacent or nearby properties up to ½ mile away from the proposed data center.
 8. Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed data center within their respective responsibilities and jurisdictions: Kent County Health Department; Kent County Road Commission, Kent County Drain Commissioner, Michigan Department of Environment, Great Lakes, and Energy, local school district(s); Kent County Sheriff's Department, the Township Fire Department, electricity providers, and the surrounding public water and sewer authorities and providers if applicable, along with other appropriate agencies.
- E. Reports. The Township shall have the right to require supplemental or amended reports related to matters including but not limited to impacts of the proposed development, prior to any zoning approval.
- F. Staff Review. The Zoning Administrator and Township Engineer shall prepare a report on the proposed site plan for the Planning Commission. The Township may also contract with other consultants to provide reports necessary to evaluate the proposed data center and its potential impacts.
- G. Fees. The applicant shall pay all fees and charges required by the Township including the

required escrow deposit set by the Township Board for site plan review and special land use approval, if applicable. In addition, the Township reserves the right to require the applicant to deposit an increased or additional escrow deposit if necessary for the Township to review the application and related materials, including escrows necessary to pay third parties or contractors to assist the Township with consideration of the site plan, special land use approval, or continuing operation of the data center or digital mining use.

H. General Regulations. The following general requirements apply to all data centers and digital mining uses within the Township.

1. Noise. Noise emanating from the use, operation, maintenance, or decommissioning of a data center or a digital mining use shall not exceed forty-five (45) decibels (dBA) Lmax as measured from any property line.
 - a. The maximum noise levels provided above shall not apply to emergency alerts or emergency alarms.
 - b. The Planning Commission may reduce the maximum noise level for any data center and/or particular mining use if necessary to protect adjacent residents and property owners, including but not limited to in the event that there is an audible noise due to the operation of a data center or digital mining use at adjacent property line(s), which contains a steady pure tone such as a whine, screech or hum.
2. Mechanical Equipment. To reduce the impact of additional noise on surrounding properties, any equipment necessary for cooling, ventilating, or otherwise related to operations of the data center or digital mining use, including power generators or other power supply equipment, shall be located within an enclosed building or structure.
 - a. The Planning Commission may waive this requirement for specified equipment if it finds that it is not mechanically feasible to fully enclose such equipment. If it does so, the specified equipment that has been approved to be located outside of an enclosed building or structure shall be screened by a wall or similar barrier.
3. Setbacks.
 - a. Setbacks from Residential Properties. Any building or structure that is used for a data center or digital mining use shall be located at least 500 feet from the lot line of any property located in a residential zoning district.
 - b. Setbacks from Non-Residential Properties. Any building or structure that is used for a data center or digital mining use shall be located at least 250 feet from the lot line of any property not located in a residential zoning district.

- c. Setbacks for Equipment. Any equipment necessary for cooling, ventilating, or otherwise related to operations of the data center or digital mining use, including power generators or other power supply equipment, shall be setback the same as the building setback above.
 - d. Setbacks for Accessory Data Centers. An Accessory Data Center shall comply with the applicable building and any other setback requirements for the district in which the small scale Accessory Data Center is located.
4. Outdoor Storage. Outdoor storage of materials, equipment, and supplies shall be prohibited.
5. Hazardous Materials. Due to the nature of a data center or digital mining use, hazardous waste and storage of hazardous materials is anticipated. If the proposed data center or digital mining use includes storage or disposal of hazardous materials or waste, the following is required:
- a. The applicant shall describe the nature of the storage and processing of hazardous materials and waste as part of the application for site plan review. This shall include proposed safety measures and protocols to prevent the spread of hazardous materials outside of designated containment areas and procedures in the event that hazardous materials or waste are released and have the potential to damage persons, property or the environment. This information shall be provided to provide the Township with notice that hazardous materials or waste are present to coordinate in the event that hazardous materials or waste is released, and to inform public safety officials.
 - b. All storage and/or processing of hazardous materials and waste shall comply in all respects with state and federal law and regulations and the requirements of the Michigan Department of Environment, Great Lakes and Energy and any other applicable agency. Storage and/or processing of hazardous materials and waste shall not commence until all necessary permits have been obtained and copies of such permits have been provided to the Township.
 - c. Storage and/or processing of hazardous materials and waste shall not occur within 500 feet of any lot line.
 - d. If storage and/or processing is proposed outside of a building or structure, those activities shall be screened from view of adjacent public or private rights-of-way and any property that is zoned in a residential district.
6. Air Quality and Water Quality. The equipment, including but not limited to any power generators, used in the operation of the data center or digital mining use shall minimize air pollutant emissions and water pollutant discharges and meet or exceed applicable state and federal laws regarding emissions and discharges. An owner or

operator or applicant for a data center shall provide affirmative proof of EGGLE approval or EPA approval upon request of the Township.

7. Storm Water Management. A Township storm water permit is required for a proposed data center or digital mining use. Measures for control of storm water drainage shall be provided under the terms of the Township Storm Water Ordinance and any other applicable ordinances, regulations or statutes.
8. Cooling Methods. To reduce the potential impact on nearby potable water resources, any data center or digital mining use that proposes to use water cooling must use a closed-loop cooling system or recycled water system.
9. Power. Before the issuance of any building permits, the applicant shall provide written verification from the applicable energy service provider that states the following:
 - a. There is adequate capacity available on the applicable supply lines and substation for the data center or digital mining use and to ensure that there is sufficient capacity available to serve the needs of other customers within the service area, consistent with the normal projected load growth envisioned by the provider;
 - b. The utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed data center or digital mining use during the power provider's peak consumption hours;
 - c. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding area; and
 - d. The use will not cause electrical interference or fluctuations in the line voltage on and off the operating premises.
10. Electric Utilities.
 - a. Integration of renewable energy to power data centers is preferred, if feasible. Data centers that are required to obtain power from renewable sources as part of eligibility for the sales and use tax exemptions under Public Act 181 of 2024, as amended, and Public Act 207 of 2024, as amended, shall comply with state laws and regulations. The applicant shall provide proof of compliance with this section.
 - b. To the extent feasible, electrical utilities shall be located underground.
 - c. The Applicant shall provide proof that the data center or digital mining use will not cause an increase in electricity costs for Township residents.

- d. Prior to the issuance of a certificate of occupancy, the applicant shall provide the Township with written verification that the electrical work has passed a third-party final inspection.
11. Lighting. Any proposed outdoor lighting for a data center or digital mining use shall comply with the requirements of Section 3.21.
12. Fencing. Fencing may be required for a data center or digital mining use if necessary for safety or security purposes. The Planning Commission shall have discretion to approve the height, location and type of fencing.
13. Parking. Data centers and digital mining uses shall provide a minimum of one (1) off-street parking space for each employee of the data center, and an additional three (3) visitor parking spaces. In the alternative the Planning Commission may allow parking at 1 space per 100,000 square feet of building area.
14. Safety.
 - a. A detailed emergency response plan shall be submitted with the zoning application, showing at a minimum that the data center has a plan in effect to address emergencies resulting from flood, fire, explosion and catastrophic weather events. The emergency response plan is subject to review and comments by the Township, including the Township Fire Chief, and may also be subject to review of the Kent County Sheriff's Department or other applicable law enforcement agency.
 - b. The equipment used in any data center or digital mining use shall be housed in a metered, electrically grounded, and metal-encased structure with a fire rating designed to resist an internal electrical fire for at least thirty (30) minutes. The containment space for the equipment shall contain baffles that automatically close in the event of fire, independent of a possible electrical system failure.
 - c. Any data center or digital mining use that is proposed to include battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time shall demonstrate compliance with the National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems specifically designed for battery storage.
 - d. The proposed data center or digital mining use shall include a fire suppression system that complies with the Michigan Construction Code, as amended, and any other applicable local, state or federal laws, rules or regulations. Compliance with all requirements of the Township Fire Chief related to fire suppression shall be required.

15. Emergency Contact Information. Each data center or digital mining use shall provide 24-hour emergency contact signage visible at each access entrance. The signs shall include the company name (if applicable), the owner or representative's name, the telephone number for the emergency contact person, and the local power company's name and telephone number.
 16. Nuisance Prohibited. The data center or digital mining use shall be designed, constructed and operated at all times in manner that does not create a nuisance by reason of heat, glare, fumes, dust, noise, vibration or odor beyond the property on which the data center is located.
 17. Modular Data Centers Prohibited. Except during the construction phase, pre-fabricated or "modular" data centers and shipping containers and similar prefab structures are prohibited. All data center uses shall be within site-built buildings.
 18. Compliance with Other Laws. The design, construction, operation use and decommissioning of a data center or digital mining use shall comply with all other applicable local, state or federal laws or regulations, including but not limited to laws or regulations regarding the environment, pollution, and mitigation of potential impacts on threatened or endangered species.
- I. Decommissioning Requirements. The application shall include a decommissioning plan that describes the anticipated life of the data center or digital mining facility and the manner in which the project will be decommissioned, actions that will be taken to restore the site, the removal of the equipment, the estimated cost of the decommissioning process, and the method for ensuring that the owner and/or operator will have sufficient funds available for decommissioning and restoration including but not limited to the posting of an appropriate bond, letter of credit or other security. If a data center or digital mining use is not operational for a continuous one-year period, or if substantial action on the project is discontinued for a period of one year, the project shall be deemed abandoned and must be decommissioned. The owner, operator, permit holder and/or their successor(s) in interest shall have one year to complete decommissioning of the facility. The decommissioning shall be in compliance with the approved decommissioning plan, and the owner, operator, permit holder and/or their successor(s) in interest shall notify the Township when the project has been decommissioned.
- J. Colocation Data Centers. Colocation data centers shall be permitted. The owner(s) and/or operator(s) of colocation data centers shall be responsible for ensuring that lessees and users of the data center or digital mining use facilities comply with the terms of this section and other applicable provisions of the Zoning Ordinance and other applicable local, state and federal laws, rules and regulations. The owner(s) and/or operator(s) of colocation data centers shall provide information regarding their plan to ensure that all of the lessees and users of the proposed data center or digital mining use will remain in compliance.
- K. Accessory Data Centers.
1. An accessory data center is permitted only in those zoning districts where an

accessory data center is a permitted accessory use.

2. Accessory data centers must be located on the same lot or parcel as the principal use.
3. All equipment necessary for the operation of the accessory data center, including any equipment necessary for cooling, ventilating, or otherwise related to operations of the data center or digital mining use, including power generators or other power supply equipment, shall be located within an enclosed building or structure.

L. **Digital Mining Uses.** Where a digital mining use is allowed as a permitted use or special land use in a zoning district, the following additional requirements apply:

1. All activities related to the digital mining use must be conducted within an enclosed building.
2. The applicant must provide evidence to the Township, certified by a professional engineer, that the proposed use will not have an adverse effect on electrical or digital internet services in neighboring properties or the Township.
3. All digital mining operations shall be designed, erected, and installed in accordance with all applicable local, state or federal laws, codes, rules and regulations.
4. Digital mining shall not occur in any accessory building or temporary structure. The use of ISO shipping containers or other similar containers for digital mining shall be prohibited.
5. Digital mining operations shall only be permitted between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. The Planning Commission may authorize additional hours if appropriate noise, light, screening and other protective measures are included.

Section 2. **Amendment of Section 5.03.** Section 5.03 of the Zoning Ordinance is amended by the addition of a new Section 5.03(S) to allow medium-scale and hyperscale data centers and/or digital mining uses as a special land use in the AG – Agricultural and Residential District, subject to the location requirements in Section 16.04(MM)(E), to read in its entirety as follows:

- S. Medium-scale and hyperscale data centers and/or digital mining uses, as regulated by Section 3.39 and Section 16.04(MM), but subject to the location requirements provided in Section 16.04(MM)(E).

Section 3. **Amendment of Section 9.02(B)(1).** Section 9.02 of the Zoning Ordinance

is amended by the amendment of Section 9.02(B)(1) to clarify that the “data processing” uses included in business services uses permitted in the NC Neighborhood Commercial District do not include data centers and/or digital mining uses, as defined in Section 3.39, to read in its entirety as follows:

B. Business services including:

1. Advertising agencies, adjustment and collection services, credit reporting services, direct mail services, photocopying and duplicating services, commercial art and graphic design, secretarial and court reporting, disinfecting and pest control services, building maintenance services, employment agencies, computer programming services, data processing (but not including data centers and/or digital mining uses as defined in Section 3.39), messenger/telegraph-service stations and parcel-delivery stations.

Section 4. **Addition of Section 9.02(J).** Section 9.02 of the Zoning Ordinance is also amended by the addition of a new Section 9.02(J) to allow data centers and/or digital mining uses as a permitted accessory use in the NC – Neighborhood Commercial District, to read in its entirety as follows:

- J. Data centers and/or digital mining uses as accessory uses, as regulated under Section 3.39.

Section 5. **Amendment of Section 10.02.** Section 10.02 of the Zoning Ordinance is also amended by the addition of a new Section 10.02(N) and 10.02(O) to allow data centers and/or digital mining uses as a permitted accessory use, and to allow small-scale data centers and/or digital mining uses as a permitted use in the HC – Highway Commercial District, to read in its entirety as follows:

- N. Data centers and/or digital mining uses as accessory uses, as regulated under Section 3.39.

- O. Small-scale data centers and/or digital mining uses, as regulated by Section 3.39.

Section 6. **Amendment of Section 11.02.** Section 11.02 of the Zoning Ordinance is amended by the addition of a new Section 11.02(Q) and a new Section 11.02(R) to allow data

centers and/or digital mining uses as a permitted accessory use, and to allow small-scale data centers and/or digital mining uses as a permitted use in the LI – Light Industrial District, to read in its entirety as follows:

- Q. Data centers and/or digital mining uses as accessory uses, as regulated under Section 3.39.
- R. Small-scale data centers and/or digital mining uses, as regulated by Section 3.39.

Section 7. **Amendment of Section 11.03.** Section 11.03 of the Zoning Ordinance is amended by the addition of a new Section 11.03(G) to allow medium-scale and hyperscale data centers and/or digital mining uses as a special land use in the LI – Light Industrial District, subject to the location requirements in Section 16.04(MM)(E), to read in its entirety as follows:

- G. Medium-scale and hyperscale data centers and/or digital mining uses, as regulated by Section 3.39 and Section 16.04(MM), but subject to the location requirements provided in Section 16.04(MM)(E).

Section 8. **Data Centers and Data Mining as a Special Land Use.** Chapter 16 of the Zoning Ordinance is amended by the addition of a new Section 16.04(MM) regarding special land use specific requirements for data centers and digital mining uses, which shall read in its entirety as follows:

SECTION 16.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

MM. Data Centers and Digital Mining. Medium-scale and hyperscale data centers and/or digital mining uses may be permitted by the Planning Commission as a special land use upon compliance with each of the following requirements:

1. Definitions. The definitions provided for data centers in Section 3.39 shall apply.
2. Compliance with Section 3.39. Proposed medium-scale or hyperscale data centers and/or digital mining uses must comply with the requirements for all data centers under Section 3.39 in addition to the requirements of this section and the Zoning Ordinance.
3. Application. In addition to the application materials and environmental impact study required for data centers under Section 3.39(c) and 3.39(d), applications for

medium-scale or hyperscale data centers and/or digital mining uses shall include the following:

- a. A separate noise impact study which includes information on the noise levels to be generated by the construction, use and operation of the data center, measured in dB(A).
- b. A description of the proposed plan to obtain water required for all data center or digital mining uses, including whether the water would be taken from groundwater or surface water, whether private or public utilities are proposed, and indicating the quantity of water required. The description shall specify if any non-potable or recycled water is proposed to be used.
- c. A separate analysis of the impact on the use of the required water for the data center or digital mining use on the capacity of water available from public utilities or from groundwater or surface water sources. If the water for cooling is proposed to be from the required public water connection, the applicant must demonstrate that the public source has the capacity to provide water for the proposed data center or digital mining use or if infrastructure or facilities improvements would be required.
- d. Copies of required approvals from the applicable public water system and public sewer system. Any infrastructure or facilities improvements that are required to the public water system and/or public sewer system to accommodate the proposed data center and/or digital mining use must be paid solely by the applicant.
- e. The applicant shall also provide a water feasibility study regarding the use of public water and any use of nonpublic sources of water. Private wells shall not be used for general cooling or processing purposes. The water feasibility study shall include the following:
 - (1) Calculations of the projected water needs of the data center during normal operations and at peak operations.
 - (2) A geologic map of the area with a radius of at least one mile from the property.
 - (3) The location of all existing and proposed wells within 1/2 mile of the site, with a notation of the capacity of all high-yield wells.
 - (4) The location of all rivers, streams and lakes within 1/2 mile of the site.
 - (5) A determination of the long-term safe yield of groundwater based on the geologic formation(s) underlying the site.

- (6) A determination of the effects of the proposed water supply system and water discharge system on the quantity and quality of water in nearby wells and bodies of water.
 - (7) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
 - (8) A detailed report on the method of retaining and disposing of all cooling system flushing and any dirty water produced by the data center.
- f. The applicant shall provide an analysis of the impact of stormwater discharged from the proposed data center and the impact on groundwater, surface water or other water sources.
 - g. The applicant shall also provide information regarding any preliminary review of the Michigan Department of Environment, Great Lakes and Energy.
 - h. The applicant shall provide information regarding discussions with the electric service provider indicating that capacity is available to serve the proposed data center or digital mining use.

4. Construction and Special Escrows.

- a. Construction Phasing Requirements. The construction of medium-scale and hyperscale data centers and/or digital mining uses are subject to special construction restrictions. The construction must be conducted in phases and only during such days of the week and hours as may be specifically approved by the Planning Commission as part of special land use approval. The construction shall not take place in a way which allows for unreasonable noise, dust or other negative impacts on nearby or adjoining properties or lands or water. In addition, although the construction is not subject to the operational noise restrictions for data centers and digital mining uses, the Planning Commission may place special noise restrictions on each phase of the construction.
- b. Special Escrows. In addition to all of the escrows provided herein, the owner and operator of any medium-scale and hyperscale data center shall pay or reimburse the Township for all inspections, analyses, reports and expenses incurred by the Township in not only monitoring the construction of the medium-scale and hyperscale data center and/or digital use, but also the ongoing cost of inspections and monitoring and enforcement, including decommissioning, of the medium-scale and hyperscale data centers or digital mining uses. In addition to the escrows provided elsewhere in the Zoning Ordinance, the Township may establish separate and special escrows to cover these costs and expenses.

5. Location Requirements. Medium-scale and hyperscale data centers and/or digital mining uses shall be permitted as special land uses in the AG – Agricultural Residential and LI – Light Industrial District, provided, however, that medium-scale and hyperscale data centers and/or digital mining uses shall not be permitted in areas of the Township that do not have sufficient infrastructure or facilities to support those uses.
- a. Medium-scale and hyperscale data centers and/or digital mining uses shall be required to connect to public water and public sewer.
 - b. In addition, medium-scale and hyperscale data centers and/or digital mining uses shall not be located in areas that do not have existing electrical infrastructure and facilities that are sufficient to support medium-scale or hyperscale data centers or digital mining uses.
 - c. Medium scale and hyperscale data centers and/or digital mining uses shall be located by highways or roads able to service the construction and use of the data center.
 - d. Accordingly, medium-scale and hyperscale data centers and/or digital mining uses must be located in the portion of the Township that is located south of 17 Mile Road, east of Algoma Avenue and west of White Creek Avenue. This is the only portion of the Township that has or could have sufficient infrastructure and facilities to support such uses.
6. Additional Requirements for Special Land Use Medium-Scale or Hyperscale Data Centers and/or Digital Mining Uses.
- a. Minimum Lot Area. The minimum lot area shall be 40 acres.
 - b. Building Height. The maximum building height shall be 35 feet.
 - c. Setbacks.
 - (1) The minimum setback for all buildings, structures and equipment from adjoining property lines that are zoned in residential districts shall be 500 feet.
 - (2) The minimum setback for all building, structures and equipment from adjoining property lines that are zoned in non-residential districts shall be 250 feet.
 - (3) Notwithstanding the above, guard stations placed by the entrance to the facility may be setback 150 feet if approved by the Planning Commission.

- d. Site Design Requirements. The site and buildings shall comply with the Site Design Requirements in Chapter 10 for the Highway Commercial District, unless modified by this chapter.
- e. Greenbelts, Landscaping and Buffering.
 - (1) Greenbelts and landscaping shall be provided in accordance with the requirements of Sections 3.11 and 3.12.
 - (2) An additional berm with buffering landscaping shall be required along any property line shared with an adjacent property that is zoned in a residential district.
 - (i) All required berms shall comply with the requirements of Sections 3.11 and 3.12.
 - (ii) The Planning Commission may require additional screening it is discretion.
 - (3) The owner(s) and/or operator(s) of the data center shall continuously maintain the required landscaping, including the berm buffers for adjacent parcels that are zoned residential, including but not limited to replacement of any dead or diseased plantings.
- f. Cooling Methods. In addition to the closed-loop requirements in Section 3.39.H.8., the cooling methods for medium-scale or hyperscale data centers and/or digital mining uses are subject to the additional requirements:
 - (1) The Planning Commission may require the use of geothermal, air-cooling, electrical-cooling, waste heat recovery systems, or other more advanced cooling methods which may become available. Use of open, evaporative cooling towers is prohibited unless specifically permitted as part of special land use approval.
 - (2) The facility owner or operator shall maintain a publicly-accessible website and shall provide written notice to the Township of all cooling system flushing, conditioning, or major maintenance at least 72 hours prior to providing that maintenance. In the event of an emergency, notice shall be provided as soon as reasonably possible by the same methods.
 - (3) All cooling system construction, operation, and maintenance shall be done in such a manner as to not negatively impact data center or digital mining center lands, or adjacent or nearby lands or water.

- g. Generators. In addition to all other requirements of the Zoning Ordinance, medium-scale or hyperscale data centers and/or digital mining uses shall comply with the following additional requirements.
- (1) Generators shall not be operated for ongoing operations except during an emergency disruption of supply.
 - (2) Generators shall not be used for grid support services, peak shaving demand, response programs, or participation in energy markets.
 - (3) All generators, including temporary or emergency generators, must be housed in sound-mitigating enclosures to mitigate noise. Testing of generators may only take place during times approved by the Planning Commission as part of special land use approval.
 - (4) The Planning Commission may require generators to be powered by natural gas or other green energy as part of special land use approval.
- h. Rooftop Appurtenances and Equipment. All roof-mounted appurtenances and equipment shall be screened on four sides with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.
- i. Utilities, Roads and Township Services. Applicants and facility operators and owners of medium-scale and hyperscale datacenters and/or digital mining uses shall provide the Township with an initial study, and with annual studies as requested by the Township, of all utilities, roads, and the type, size and quantity of firefighting equipment that will be used or need to be added to serve a facility of this size and for this particular use. The applicant, facility operator or owner shall pay for all extensions, additions, improvements or additional facilities, vehicles, or equipment needed to provide the additional utilities, roads, and/or Township services.
- j. Dewatering. Dewatering is specifically prohibited during the construction and operation unless specifically approved by the Planning Commission as part of special land use approval.
- k. Battery Storage. If a facility owner or operator or property owner desires to use battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, the facility owner and operator shall demonstrate compliance with all fire standards and other applicable requirements, and must include fire suppression systems and securities designed specifically for battery storage.

- l. Liability Insurance. The facility owner or operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million per occurrence and \$5 million in the aggregate. Certificates shall be made available to the Township upon request.
- m. Annual Inspections and Third-Party Services. As a condition of special land use approval, the facility owner and/or operator shall agree to reimburse the Township for annual professional and independent inspection of the operations, including the use of third parties. In addition to allowing for inspections, the owner and/or operator may be required to provide additional reports as requested by the Township on annual operations, including but not limited to, all water and sewer usage, discharges, electrical usage, noise, and maintenance. The purpose of the inspections and reports is to determine compliance with the Zoning Ordinance, site plan and special land use approval. The applicant, owner and/or operator may be required to post an additional bond, security, or escrow to pay for the annual inspections and reports.
- n. Public Amenities. The Planning Commission may require public amenities consistent with the impact of the special land use medium-scale or hyperscale data center and/or digital mining uses, including the construction and maintenance of pathways along the areas where medium-scale or hyperscale data centers and/or digital mining uses run along public streets as well as additional similar-related public amenities necessary to offset the impact of the special land use medium-scale or hyperscale data center and/or digital mining use.
- o. General Compatibility. No use, activity or operation of a special land use medium-scale or hyperscale data center and/or digital mining use shall be conducted in a manner that is injurious, noxious, or offensive to adjacent or neighboring land uses; interferes with the reasonable use or enjoyment of life or property, or tends to depreciate the value of surrounding property due to noise, vibration, glare, lighting, omissions, traffic, visual impact, or other nuisance conditions.

Section 9. Publication and Effective Date. This Ordinance, or a summary of its provisions, shall be published in a local newspaper of general circulation within the Township. This Ordinance shall take effect seven days following such publication.

AYES: _____

NAYS: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

Dorothy Willoughby, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Solon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Dorothy Willoughby, Township Clerk