AGENDA

SPARTA TOWNSHIP
PLANNING COMMISSION
November 10, 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 August 11, 2026, Regular Meeting

V. Public Comment (for items on the agenda)

VI. Business Items

A. 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, August 11, 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); Secretary Linda Anderson (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, Township Supervisor Dale Bergman, and Recording Secretary Toni Potes

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 Doyle, second by Driscoll, to approve the Agenda as presented. Motion carried unanimously.

IV. Minutes of June 9, 2026, Regular Meeting: Motion by Johnson, second by Humphreys, to approve the Minutes. Motion carried unanimously.

V. Public Comment (for items on the agenda): An opening statement by Chairperson Hartman addressed any misinterpretation of the data center regulations item on tonight's Agenda. The moratorium is a proactive step for the Planning Commission to develop regulations and is still working with the Township and other communities to review all aspects. No applications and no inquiries have been received to locate a data center in Sparta. Tonight the Planning Commission is reviewing where it is with proposed regulations.

Brook Burg of 10870 Phelps St., Sparta, suggested the Planning Commission look at regulations of places that do not have data centers.

VI. Business Items

A. Public Hearing: Home-Based Business Regulations Review: Zoning Administrator/-Planner Yeomans provided an overview describing the allowance of small home-based occupations.

Public Hearing opened at 7:08 PM. No public comment.

Public Hearing closed at 7:09 PM.

Motion by Flanery, second by Anderson, to recommend to the Township Board adoption of the home-based business ordinance, as presented. Motion carried unanimously.

B. Data Center Regulations Review: The Planning Commission was presented with a lengthy Jamestown ordinance for reference. The ordinance has not been adopted, and legal counsel has not seen it; they are early in the process. Zoning Administrator/-Planner Yeomans provided a few updates from the State level. The moratorium expires in approximately March 2027.

Ricky Johnson of 29 Centennial questioned the location of the aquifers.

Joan Kenoshmeg of 1055 Indian Lakes Road, had concerns about the open meetings act being followed and wanted to see the proposed data center ordinance. She moved to Sparta four years ago. She's concerned that something will be put in behind their backs. She had discussed non-disclosure agreements with a board member; she did not know who it was and may be referring to a Village representative. She stated corruption is real, millionaires get their way, anyone can be bought, and suggested hiring an expert on the matter. Commissioner Driscoll assured her that no formal request to the Village has been made and that he cannot be bought.

C. Mixed Use Residential Commercial—Sparta Avenue Discussion: Township Supervisor Bergman provided background for the topic. The current zoning in some locations, some grandfathered in, causes problems for financing, mortgages and fire insurance. Downzoning to Ag-2 may not be an issue and may be consistent with the Master Plan. R-1 and R-2 would cause issues with the Master Plan. Each rezoning request should be looked at individually. The Planning Commission agreed this needs to be fixed. Zoning Administrator/Planner Yeomans will contact the person who inquired and ask what they are interested in doing. There are less than a dozen properties zoned commercial containing single-family homes.

VII. Public Comment (for items on or not on the Agenda): Ben Brothers of 9886 Kenowa, Sparta, asked for transparency regarding data center discussions. He thanked the Planning Commission for their time.

VIII. Staff and Commissioner Comments: None.

IX. Adjournment: Motion by Johnson, second by Anderson, to adjourn at 7:47 PM. Motion carried unanimously. The next regular meeting of the Sparta Township Planning Commission will be Tuesday, September 8, 2026, at 7 PM.

Respectfully submitted,
—Toni Potes
Recording Secretary

TOWNSHIP OF _____

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.

Legal Sample

(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.

Model Sample

(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 (MCL324.36501 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:

Lee Sample

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.

Legal Sample

(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

Legal Sample

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.

Legal Sample

(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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Legal Sample

Fresh Coast Planning
Grand Haven, MI 49417
www.freshcoastplanning.com

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: 11/5/2026
Re: Data Center Draft Ordinance Review

For your November 10, 2026, meeting, we are presenting three sample data center ordinances for your consideration. The Planning Commission last reviewed proposed data center regulations at your August 11, 2026, meeting. Since then, we have provided copies of additional articles and a sample data center ordinance developed by the Michigan Townships Association (MTA) to supplement your individual research.

All three samples are designed so that data centers will only be permitted in the Industrial District as a special land use. From there, there are many similarities and differences. Below we provide a general summary of the samples.

1. Legal Sample: This sample was provided by the Township's legal counsel at the beginning of this year. It provides standard protections for natural resources and is focused on fire/infrastructure safety.
2. MTA Sample: This sample, prepared by the MTA, is more comprehensive than the legal sample providing more robust protections for the local power grid and natural resources. This sample has been reviewed by the MTA's legal counsel.
3. FCP Sample: This sample was prepared by Fresh Coast Planning as we worked with the municipalities we serve. This sample is the most extensive, containing similar provisions to the MTA sample while also including additional safeguards and highly specific regulations. This sample has been sent to one of our community's legal counsels for review. We do not have a timeline for when their legal review will be completed.
4. NOTE: The MTA sample includes an exception for accessory and subordinate data centers that meet all conditions quoted below. The Legal and FCP samples do not currently include this exemption. This exception would permit accessory data centers to be constructed outside of the industrial district.

> *"VI. SMALL-SCALE OPERATION EXCEPTION*
>
> *A. The provisions of this Section shall not apply to a Data Center which is constructed and operated solely as an accessory and subordinate use to an existing principal use on a property, so long as that Data Center is (1) housed entirely within existing structures which conform to all zoning and other permit requirements, (2) creates no adverse impacts on adjacent land uses, and (3) requires no additional approvals from a utility provider with respect to electrical or water usage."*

PLANNING COMMISSION'S DIRECTION

We request the Planning Commission's feedback on unresolved questions and direction on which sample to use as the basis for further work. The questions below also seek direction on the accessory data center exception and whether to finalize the chosen sample for Sparta Township and send it to legal counsel for review.

A. Are there any questions or concerns that have not been addressed?

B. Which sample would you like to proceed with?

C. If you'd like to proceed with the FCP sample, would you like us to include the exception for accessory data centers?

D. Would you like us to finalize the chosen sample to be specific to Sparta Township and send it to legal counsel for review?

Please let us know if you have any questions.

Kevin Yeomans

Kevin Yeomans
Planner

Attachments

cc: Dale Bergman, Township Supervisor

Section 3.40 – Data Centers and Digital Mining Uses

A. Definitions

1. 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.
2. 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 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.
3. 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.
4. 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.
5. Large-Scale Data Center. A data center that requires five megawatts (5 MW) or more power to operate or has a physical footprint of five thousand (5,000) square feet or greater.
6. Megawatts (MW). A unit of power that is used for the measurement of bulk electricity, and is equal to one million watts.
7. 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.

FCP Sample

8. Qualified Acoustical Professional. An individual possessing the academic credentials, professional certifications, and technical experience necessary to measure, analyze, model, and evaluate environmental sound, noise impacts, and vibration. To be recognized as a Qualified Acoustical Professional under this Ordinance, the individual shall meet at least one (1) of the following criteria:
    a. Licensed Professional Engineer: A registered Professional Engineer (P.E.) in good standing in the State of Michigan, with demonstrated professional specialization and at least three (3) years of experience in environmental acoustics, noise assessment, or sound mitigation design.
    b. Board-Certified Specialist: A Board-Certified Member of the Institute of Noise Control Engineering (INCE Bd. Cert.) or a full Member of the National Council of Acoustical Consultants (NCAC).
    c. Education & Experience Equivalent: An individual holding a Bachelor of Science (or higher) degree in acoustics, physics, mechanical or civil engineering, or a closely related physical science field from an accredited institution, with a minimum of five (5) years of documented, direct professional experience conducting environmental noise studies, baseline sound monitoring, and predictive sound propagation modeling.

B. General Requirements

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

1. Noise.
    a. 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.

FCP Sample

b. Continuous Noise Limit. Noise emanating from the use, operation, or maintenance of a data center or digital mining use, including all mechanical and electrical equipment, shall not exceed the following equivalent continuous sound levels, measured as a one-hour average (Leq(1h)):

   i. At any property line of a lot zoned or used for residential purposes: [45] dBA between 7:00 a.m. and 10:00 p.m. (daytime), and [40] dBA between 10:00 p.m. and 7:00 a.m. (nighttime).

   ii. At any other property line: [55] dBA at all times.

c. Maximum Instantaneous Noise Limit. In addition to the limits in subsection (b), noise from the use shall not exceed [60] dBA Lmax nor [75] dBC Lmax at any property line of a lot zoned or used for residential purposes, and [70] dBA Lmax at any other property line. This limit applies to intermittent and short-duration events, including but not limited to generator testing, load-bank testing, and equipment cycling.

d. Low-Frequency and Tonal Noise. The use shall not produce a prominent discrete tone, as defined by ANSI S12.9, or low-frequency noise perceptible as a hum, drone, or vibration, at any property line of a lot zoned or used for residential purposes. Where the C-weighted level exceeds the A-weighted level by more than [20] dB at such a property line, the Township may require additional low-frequency mitigation as a condition of continued operation.

e. Measurement Protocol. All measurements under this section shall be conducted: (i) in accordance with ANSI S12.9 (or its successor standard) using a sound level meter meeting ANSI S1.4 Type 1 or Type 2 specifications, calibrated before and after each measurement session; (ii) at a height of approximately five (5) feet above grade at the applicable property line; (iii) under conditions free of precipitation with wind speeds below [12] mph; and (iv) by a Qualified Acoustical Professional. Measurements for purposes of determining compliance shall exclude transient noise from sources unrelated to the data center or digital mining use.

For Sample

f. Pre-Construction Compliance Demonstration. As part of the application, the applicant shall submit an acoustic study prepared by a Qualified Acoustical Professional, at the applicant's expense, that (i) documents existing ambient sound levels at the property lines of the subject parcel, (ii) models the projected sound levels of the proposed use at full operational load under the metrics in subsections (a) through (c), and (iii) identifies all mitigation measures necessary to achieve compliance.

g. Post-Construction Verification. Within [90] days after commencement of operations, and thereafter upon reasonable request of the Township or in response to a complaint, the owner or operator shall provide compliance measurements conducted in accordance with subsection (e), at the owner or operator's expense. Verification measurements shall be conducted while the facility is operating at or near full load, and the report shall state the facility's operational load at the time of measurement.

h. Independence and Conflict of Interest. When required by the Planning Commission or Zoning Administrator, the Qualified Acoustical Professional shall operate as an independent third party with no direct financial or beneficial interest in the project applicant, property owner, or development outcome.

i. Exemptions. The limits of this section shall not apply to (i) emergency alerts or emergency alarms, or (ii) operation of emergency generators during an actual emergency disruption of electrical supply. Generator testing is not exempt and shall occur only during daytime hours as approved under Section 3.40.B.3.

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, including power generators or other power supply equipment, shall be located within an enclosed building or structure.

For Sample

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. Standby Generator Operational Restrictions.

a. Permitted Operational Scope. On-site emergency generators and secondary power infrastructure shall be utilized strictly for emergency backup power during utility power outages, grid instability events, or system maintenance.

i. Prohibition on Commercial Power Generation / Peak-Shaving: Generators shall not be operated for commercial power generation, market dispatch, base-load energy supply, or "peak-shaving" (operating generators during high-demand grid periods solely to reduce utility capacity charges).

ii. Emergency Operation: Generators may operate without time or duration restrictions during grid outages, brownouts, or direct physical failures of the primary electrical supply, subject to post-event reporting requirements under Section 3.40.B.3.f.

b. Routine Maintenance and Testing Restrictions. Routine exercising, load-bank testing, and preventative maintenance of backup generators shall be governed by the following operational constraints to minimize noise and air quality impacts on surrounding properties:

i. Allowed Hours: Routine testing and exercising shall be permitted only between 9:00 AM and 5:00 PM, Monday through Friday. Testing is strictly prohibited on weekends and state or federally recognized holidays.

ii. Staggered Testing Schedule: Simultaneous testing of all facility generators is prohibited except during mandatory annual full-load capacity testing required by industry or insurance standards. For routine maintenance, generators shall be tested sequentially in bank groups to minimize cumulative noise and emissions.

For Sample

iii. Advance Notice for Full-Load Testing: The facility operator shall provide written or electronic notice to the Zoning Administrator, Fire Chief, and neighboring property owners within 500feet at least forty-eight (48) hours prior to conducting full-load array or load-bank testing that involves running more than [25%] of the facility's total generator capacity simultaneously.

c. Acoustic Enclosures & Noise Standards

i. Equipment Attenuation: All stationary generators shall be housed inside sound-attenuating enclosures or within sound-dampened building structures. Enclosures shall be equipped with hospital-grade, critical-grade, or equivalent advanced exhaust silencers.

ii. Property Line Noise Limits: Noise generated during routine generator testing shall not exceed [60 dBA] (or [5 dBA] above ambient baseline levels, whichever is lower) as measured at any adjacent residential or commercial property boundary.

d. Vibrations

i. No data center shall be operated, maintained, or tested in a manner that generates a ground-borne vibration level exceeding a Peak Particle Velocity (PPV) of 0.01 inches per second (in/s) at any point along the data center's property line. This limit applies across all vibration frequencies between 1.0 Hz and 100 Hz. The 0.01 in/s PPV threshold applies to measurements taken in any of the three mutually perpendicular axes (vertical, longitudinal, or transverse). If any single axis exceeds 0.01 in/s, the data center is in violation.

ii. Generators must be equipped with vibration isolation and mitigation systems.

iii. Data centers must have continuous vibration monitoring at spacing of no less than 500 feet along all property lines which sit within 1,000 feet of the property line of any Sensitive Land Use.

FCP Sample

e. Air Quality & Emissions Standards

   i. EPA & EGLE Compliance: All generators shall comply with US Environmental Protection Agency (EPA) emissions standards for stationary compression-ignition or spark-ignition engines (e.g., Tier 4 Final standards or Best Available Control Technology [BACT]).

   ii. State Air Permits: Prior to site plan approval or building permit issuance, the applicant shall submit proof of a valid Permit to Install (PTI) or Title V Renewable Operating Permit issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Air Quality Division, where required by state law.

   iii. Exhaust Stack Design: Generator exhaust stacks shall be oriented vertically, directed away from adjacent properties and fresh-air intake ducts, and extend to a height determined by air dispersion modeling to prevent localized fume entrapment.

f. Fuel Delivery & Operational Protocols

   i. Delivery Hours: Fuel delivery and bulk transfers shall occur exclusively between 7:00 AM and 7:00 PM, except during active, prolonged emergency grid outages.

   ii. Spill Containment during Transfer: Fuel transfer operations shall take place on designated, impervious containment pads designed to catch hose ruptures or drips in compliance with the facility's federal SPCC Plan.

g. Operational Logs & Annual Reporting

   i. Maintenance Logs: The facility owner or operator shall maintain an accurate, electronic log of all generator operations. The log shall record:

      1. Date, time, and duration of operation;
      2. Identification of specific generator unit(s) operated;
      3. Purpose of operation (e.g., routine testing, maintenance, emergency power outage); and
      4. Total cumulative operating hours for each engine per calendar year.

For Sample

ii. Annual Submittal: A summary of generator run-time logs shall be submitted to the Zoning Administrator and Clerk annually no later than January 15th of each calendar year to verify compliance with non-emergency operational limits.

4. Electrical Utilities.

a. The applicant shall provide written verification from the applicable energy service provider that states the following:

i. There is adequate capacity available on the applicable supply lines and substations for the data center 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;

ii. That connection to the electrical system will not increase cost for other users of the system;

iii. The utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed data center during the power provider's peak consumption hours;

iv. The use will not cause electrical interference or fluctuations in the line voltage on and off the operating premises.

b. To the extent feasible, electrical utilities shall be located underground.

c. Integration of renewable energy to power data centers is preferred, if feasible.

d. Issuance of Building Permit. No building permit shall be issued until the applicant submits to the Zoning Administrator a fully executed interconnection agreement, electrical service agreement, or alternative proof of binding utility capacity commitment deemed acceptable by the Township's Legal Counsel.

5. Impact on Internet Services.

FOPSample

a. The applicant shall provide proof from the applicable utility provider that the system has sufficient capability to handle the needs of the data center.

b. The applicant shall provide proof that connection to the internet system will not have an adverse effect on other users of the system.

6. Water Usage and Wastewater Discharge.

   a. Data centers shall be required to connect to public water and sanitary sewer systems.

   b. The applicant shall provide proof from the applicable agency that the public water and/or sanitary sewer system has sufficient capability to handle the needs of the data center.

   c. The applicant shall provide proof that connection to the public water or sanitary system will not have an adverse effect on other users of the system.

7. Cooling Methods. To reduce the potential impact on nearby potable water resources, any data center that proposes to use water cooling must comply with the following requirements:

   a. Use of a closed-loop cooling system shall be required.

   b. In recognition of rapidly evolving technology, the Planning Commission may approve alternative cooling methods if the applicant can demonstrate that the alternative cooling method is as effective or more effective than a closed loop cooling system. This shall include, but not be limited to, a review of water usage, power usage, and environmental impact.

   c. The Planning Commission may require the use of geothermal, air cooling, electric-powered 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 use approval.

8. Stormwater Management: The applicant shall submit 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.

ZOP Sample

9. Digital Mining Restrictions. 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.

    a. 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.

10. Hazardous Materials. Due to the nature of a data center, 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. 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.

FOR Sample

11. Lighting. The lighting of the 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 data center. The data center must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.
12. Modular Data Centers Prohibited. Except during the construction phase, prefabricated or "modular" data centers and shipping containers and similar prefab structures are prohibited. All data center uses shall be within site-built buildings.
13. Emergency Response. A detailed emergency response plan shall be submitted, 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 plan shall include a study which details the type, size and quantity of firefighting equipment that is needed to serve the size of facility and equipment used in the facility. 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 Ottawa County Sheriff's Department or other applicable agencies.
    a. Annual Review. The emergency response plan shall be reviewed and amended, as necessary, to ensure continued compliance with and effectiveness of the plan, as well as emergency responders' ability to safely respond to emergencies.
    b. Emergency Response Training and Equipment. Prior to the issuance of any Certificate of Occupancy, the applicant shall, at its sole expense, provide the Township Fire Department and its designated emergency response contractors with specialized equipment and training deemed necessary by the Fire Chief.

       Such training and equipment shall specifically address hazards unique to the data center facility, including high-voltage electrical infrastructure, battery energy storage systems (BESS), and specialized fire suppression systems. The applicant shall coordinate and fund annual refresher training and site orientation for local emergency response personnel.

For Sample

14. Emergency Contact Information. Each data center 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.
15. Complaint Resolution. The applicant shall provide a plan for resolving complaints from the public or other property owners concerning the construction and operation of the data center, which is subject to the Township's review and approval.
16. Security Fencing. Security fencing must be installed around all electrical equipment related to the 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.
17. Cost Responsibility. The applicant shall be responsible for all additional costs associated with necessary improvements to and maintenance of all utilities, roads, public facilities, vehicles, or equipment necessary to provide services to the data center.
18. Annual Report and Inspection. As a condition of 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:
    a. Emergency Response Plan Review
    b. Water Usage
    c. Sanitary Sewer Discharges
    d. Noise
    e. Power Usage
    f. Maintenance
    g. Proof of Insurance

FCP Sample

h. A summary of all complaints, complaint resolutions, and extraordinary events.

The purpose of the inspections and reports is to determine compliance with the Zoning Ordinance, site plan and special 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.

19. Decommissioning. If a 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 or provide a repurposing plan, acceptable to the Township, within six (6) months after the date of abandonment.

    a. Financial Security. To ensure proper decommissioning of a 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.

    b. 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 topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a data center that is never fully completed or operational if construction has been halted for a period of one (1) year.

    c. Repurposing requires an evaluation of the structural integrity and capacity of the buildings to support another industrial use, an evaluation of the utilities ability to support another industrial use, an environmental site assessment, a "clean building" certification proving all hazardous materials have been fully remediated, and an approved zoning permit transferring the data center to another approved industrial use.

FOR Sample

20. Transfer of Ownership or Operational Control. No permit, facility, or land use authorized under this Section shall be transferred, assigned, or leased to a new owner or operator without prior written notification to and approval by the Township.

    a. Notice Requirement: The current owner or proposed transferee shall submit a formal transfer application to the Zoning Administrator and Township Clerk at least sixty (60) days prior to any contemplated transfer.

    b. Submission Requirements: The proposed transferee shall demonstrate, to the Township's satisfaction, that:

        i. All existing bonds, decommissioning funds, financial assurances, escrow accounts, and insurance policies required under this Section are fully executed, funded, and assumed by the transferee in forms acceptable to the Township; and

        ii. The transferee agrees in writing to assume all ongoing conditions of approval, obligations, and liabilities associated with the facility.

    c. Review Fees: The transferee shall reimburse the Township for all reasonable legal, technical, and administrative costs incurred in reviewing and processing the transfer request.

21. Insurance Requirements. Prior to site plan approval, issuance of any building permit, or commencement of operations, the applicant, owner, and operator of a data center facility shall obtain and maintain, at their sole expense, insurance coverage meeting or exceeding the requirements of this Section. Coverage shall remain continuously in force throughout the operational life of the facility and through the completion of any required decommissioning or site restoration.

    Facility scale shall be determined by the total maximum design power capacity (in Megawatts, MW) approved under the site plan, including all planned expansion phases.

    a. Tiered Minimum Coverage Schedule. Insurance minimums shall be maintained in accordance with the facility capacity tiers set forth in Table B.1 below:

Table B.1: Required Insurance Minimums by Facility Scale (MW)

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Facility Tier	Power Capacity (MW)	Commercial General Liability (Per Occ / Agg)	Environmental & Pollution Liability (Per Occ / Agg)	Excess / Umbrella Liability (Per Occ / Agg)
Tier 1: Small / Edge	Less than 10 MW	$2,000,000 / $5,000,000	$5,000,000 / $5,000,000	$10,000,000
Tier 2: Mid-Scale	10 MW up to 50 MW	$5,000,000 / $10,000,000	$10,000,000 / $10,000,000	$25,000,000
Tier 3: Hyperscale	50 MW up to 100 MW	$10,000,000 / $20,000,000	$20,000,000 / $20,000,000	$50,000,000
Tier 4: Mega-Hyperscale	100 MW or greater	$10,000,000 / $20,000,000	$35,000,000 / $35,000,000	$100,000,000

b. Standard Coverage Requirements. In addition to the tiered coverage minimums established in Table B.1, all facilities regardless of size shall maintain the following coverages issued by carriers licensed in Michigan with an A.M. Best rating of A- VII or better:

   i. Environmental & Pollution Liability Scope: Must explicitly cover first- and third-party claims for bodily injury, property damage, environmental cleanup, containment, and site remediation resulting from sudden, accidental, or gradual releases of pollutants, diesel fuel, battery hazardous substances (including lithium-ion thermal event contaminants), or chemical cooling agents.

   ii. Commercial Automobile Liability: Minimum $2,000,000 combined single limit for bodily injury and property damage covering all owned, hired, and non-owned vehicles. Must comply with statutory requirements under the Michigan No-Fault Insurance Act.

   iii. Workers' Compensation & Employer's Liability: Workers' Compensation: Statutory limits under the Michigan Workers' Disability Compensation Act (PA 317 of 1969, as amended). Employer's Liability: Minimum $1,000,000 per accident / $1,000,000 disease policy limit / $1,000,000 disease each employee.

c. Property & Decommissioning Casualty Coverage: Special Form / All Risk property insurance covering 100% of the full replacement cost of all structures, equipment, and on-site

For Sample

improvements. Policy proceeds shall be dedicated to site restoration or reconstruction in the event of major casualty.

d. Mandatory Policy Endorsements All required insurance policies shall include the following provisions:

   i. Additional Insured Status: The Township, including its elected and appointed officials, officers, employees, agents, and contractors, shall be named as an Additional Insured on a primary and non-contributory basis on CGL, Auto, Environmental, and Excess/Umbrella policies.

   ii. Waiver of Subrogation: The insurer shall waive all rights of subrogation against the Township and its officials for losses arising from operations.

   iii. Notice of Cancellation: Each policy shall contain an endorsement requiring written notice to the Zoning Administrator and Clerk at least thirty (30) calendar days prior to policy cancellation, non-renewal, or material reduction in coverage (or 10 days for non-payment of premium).

e. Administration & Compliance

   i. Initial Proof of Coverage: Certificates of Insurance (ACORD form) verifying all required coverages shall be submitted to the Zoning Administrator prior to final site plan signature or building permit issuance.

   ii. Annual Compliance Certification: The facility owner or operator shall submit updated Certificates of Insurance annually to the Zoning Administrator and Clerk no later than January 15th of each calendar year.

   iii. Facility Expansion Re-evaluation: If a facility increases its power capacity (MW) into a higher tier, updated insurance certificates reflecting the higher coverage thresholds shall be submitted prior to the installation or energization of the expanded capacity.

For Sample

iv. Lapse in Coverage: Failure to maintain required insurance constitutes a violation of this Ordinance and grounds for summary revocation of the Special Use Permit or Certificate of Occupancy.

22. Indemnity. The applicant shall provide 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 data center, which is subject to the Township's review and approval.
23. 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 (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.
24. Extraordinary Events. If the data center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
25. Compliance with Other Laws. The design, construction, operation use, and decommissioning of a data center shall comply with all applicable provisions of this Ordinance and 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.
26. 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 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.

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C. Small-Scale Data Centers

1. A small-scale data center is only permitted as a special use in the Industrial zoning district(s).
2. A small-scale data center shall comply with Section 3.40.B – General Requirements and all applicable sections of this Ordinance.
3. Minimum Lot Area: 20 acres
4. Setbacks: All buildings and structures shall comply with Industrial District setbacks.
    a. The Planning Commission may increase setbacks if necessary to ensure compliance with requirements of this section or other applicable provisions of this Ordinance.

D. Large-Scale Data Centers

1. A large-scale data center is only permitted as a special use in the Industrial zoning district(s).
2. A large-scale data center shall comply with Section 3.40.B – General Requirements and all applicable sections of this Ordinance.
3. Minimum Lot Area Requirements. 40 acres
4. Setbacks. All buildings and structures shall comply with Industrial District setbacks.
    a. The Planning Commission may increase setbacks if necessary to ensure compliance with requirements of this section or other applicable provisions of this Ordinance.
5. Location Requirements: Large-scale data centers shall be located on a lot that abuts a highway or roads able to service the construction and use of the data center.
6. Fiscal Impact Analysis (FIA) Requirements. A comprehensive Fiscal Impact Analysis (FIA) shall be submitted with any application for a large-scale data center.

    The purpose of the FIA is to evaluate the direct, indirect, and long-term financial impacts of the proposed development on the Township local emergency service providers, road authorities, and public utility systems, ensuring the development does not create an unmitigated financial deficit for local taxpayers.

    a. Consultant Qualifications & Peer Review Escrow

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i. Preparation: The FIA shall be prepared at the applicant's sole expense by an independent qualified economist, municipal finance consultant, or urban planning professional possessing demonstrated experience in municipal fiscal modeling.

ii. Independent Peer Review: The Township reserves the right to select and retain an independent third-party municipal finance consultant to review and evaluate the applicant's FIA submittal. The applicant shall deposit funds into a municipal escrow account, as established by resolution of the Township Board, to cover all expenses associated with the independent peer review.

b. Required Scope and Methodology. The FIA shall cover a minimum projection period of fifteen (15) years from the anticipated date of project commissioning. The analysis shall utilize conservative, baseline financial assumptions and explicitly detail the following components:

i. Real Property Taxes: Tax revenues generated by real property improvements based on taxable value projections.

ii. Personal Property Taxes: Projected personal property tax revenue, explicitly factoring in all applicable state or local tax exemptions, depreciation schedules, and statutory incentive programs (e.g., PA 198 Industrial Facilities Exemption or state-level data center personal property tax exemptions).

iii. Utility & Service Fees: Anticipated municipal water, sewer, or franchise fees generated by the facility.

iv. Special Assessments & Local Fees: Any applicable building permit fees, site plan review fees, or local development fees.

c. Public Expenditure & Cost Projections. An itemized annual projection of all direct and indirect public operating and capital expenditures incurred by local units of government to service the facility, including:

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i. Public Safety & Emergency Services: Operational and capital costs for the local Fire Department, Police/Sheriff, and EMS, including specialized high-voltage and hazard training, dedicated equipment acquisition, and additional personnel demands.

ii. Transportation Infrastructure: Projected impact on local municipal roads, including road wear, baseline pavement degradation from heavy construction/equipment transport, and necessary intersection or signalization upgrades.

iii. Municipal Water & Wastewater Utilities: Capital upgrade costs, ongoing operational maintenance, and capacity consumption impacts on municipal water treatment and sewer infrastructure.

iv. Administrative & Code Enforcement: Projected costs for ongoing ordinance administration, environmental monitoring, building inspections, and noise/performance standard compliance enforcement.

d. Employment & Economic Multipliers

i. Direct construction-phase employment, timeline, and estimated payroll.

ii. Long-term permanent full-time equivalent (FTE) employment, job classifications, and average wage scales.

iii. Secondary economic impacts (indirect and induced spending) evaluated separately from direct municipal cash flows.

e. Net Fiscal Impact Summary. A year-by-year comparative schedule calculating the Net Fiscal Impact (Total Projected Revenues minus Total Projected Public Expenditures). The report shall include sensitivity analyses evaluating:

i. Best-Case Scenario: Full project buildout and maximum tax generation.

ii. Incentive/Abatement Scenario: Projected revenues assuming the granting of maximum requested tax abatements or state tax exemptions.

iii. Phase-In/Delay Scenario: Delayed construction or partial buildout scenarios.

FCP Sample

f. Fiscal Mitigation Agreement. If the FIA or the independent peer review indicates that the proposed data center will result in a net negative fiscal impact (operational or capital deficit) on the Township or local emergency service districts during any point in the 15-year projection period, the applicant shall be required to enter into a legally binding Development and Fiscal Mitigation Agreement as a condition of Special Use approval. Mitigation measures may include, but are not limited to:

   i. Annual Payments-in-Lieu-of-Taxes (PILOT) or host community impact fees to offset projected revenue shortfalls.

   ii. Capital cost contributions or upfront funding for specialized fire/EMS equipment, station expansions, or public utility infrastructure upgrades.

   iii. Pre-funding of dedicated municipal code enforcement and monitoring escrow accounts.

7. Mandatory FIA Updates and Re-evaluation Triggers. After initial Special Use or Site Plan approval, an updated Fiscal Impact Analysis (FIA) shall be submitted to the [Township / City / Village] prior to municipal consideration or approval of any of the following events:

   a. Major Facility Expansion. An updated FIA shall be required whenever the applicant, owner, or operator proposes a facility expansion, site modification, or additional development phase that meets or exceeds any of the following thresholds:

      i. An increase in total design electrical capacity by ten percent (10%) or five (5) Megawatts (MW), whichever is less, beyond the capacity approved in the baseline FIA;

      ii. An increase in total gross building floor area by fifteen percent (15%) or twenty thousand (20,000) square feet, whichever is less; or

FOR Sample

iii. The addition of major high-demand physical infrastructure not analyzed in the baseline FIA, such as new on-site utility substations, utility-scale Battery Energy Storage Systems (BESS), or expanded backup generator fuel storage facilities.

b. Subsequent Applications for Tax Abatements or Exemptions. If the baseline FIA was evaluated under the assumption of standard, non-abated tax assessments, an updated FIA shall be required prior to municipal review or recommendation of any subsequent tax incentive request filed after initial site plan or Special Use approval. This includes, but is not limited to:

i. Applications for an Industrial Facilities Exemption Certificate under Public Act 198 of 1974 (MCL 207.551 et seq.);

ii. Requests for local or state personal property tax exemptions, Commercial Redevelopment Act exemptions, or Renaissance Zone designations; or

iii. Any statutory tax relief request or modified assessment agreement that reduces projected annual municipal revenues below the baseline revenue figures accepted in the original FIA.

c. Review Procedure & Peer-Review Escrow

i. Escrow Deposit: Submittal of an updated FIA shall be accompanied by the establishment or replenishment of a peer-review escrow account pursuant to Section 3.40.D.7.a to cover all third-party legal, financial, and planning review costs.

ii. Review Body: The updated FIA and third-party peer review report shall be submitted to the Planning Commission for recommendation and to the Township Board for final review.

d. Mandatory Mitigation Adjustment. If the updated FIA demonstrates that the proposed facility expansion or requested tax abatement/exemption creates a net negative fiscal impact (operational or capital deficit) on the Township, emergency service districts, or road authorities:

For Sample

i. The applicant shall execute an amended or supplemental Development and Fiscal Mitigation Agreement (which may include annual Payment-in-Lieu-of-Taxes [PILOT] schedules, host community fees, or dedicated capital contributions) to fully neutralize the projected fiscal deficit.

ii. Approval of the amended Fiscal Mitigation Agreement shall be a mandatory prerequisite prior to:

1. The issuance of any building permits or site plan signatures for the facility expansion; or
2. The adoption, endorsement, or approval of any municipal resolution granting or recommending a tax abatement, exemption, or incentive agreement.

8. Air Quality and Water Quality. The equipment, including but not limited to any power generators, used in the operation of the large-scale data center 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 EGLE approval or EPA approval upon request of the Township.

9. Construction Plan:

a. 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, shall be provided.

b. 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.

c. Construction Phasing Requirements. The construction of large-scale data centers is 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

FOR Sample

as part of special 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.

10. Special Escrows. In addition to all of the escrows provided herein, the owner and operator of any large-scale 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 large-scale data center, but also the ongoing cost of inspections and monitoring and enforcement, including decommissioning, of the large-scale data center. 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.

FCP Sample

SAMPLE DATA CENTER ORDINANCE VERSION 1.0

Note: This is a sample ordinance to regulate the development and operation of data centers within a township. These provisions may not suit the unique aspects of your township or may regulate too much or too little for your area. **Adopting this ordinance without considering changes to fit your community is strongly discouraged and may have negative legal consequences. Please consult with your township attorney.** Additionally, new information continues to come out often, so please check back periodically to see if there are newer versions of this sample.

TOWNSHIP OF _____

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: EIGHT DAYS AFTER PUBLICATION AFTER ADOPTION

An Ordinance to amend the Township Zoning Ordinance to authorize Data Centers; to provide regulations and standards for Data Centers; to repeal all ordinances or parts of ordinances in conflict herewith, and to provide an effective date.

TOWNSHIP OF _____
_____ COUNTY, MICHIGAN

ORDAINS:

DATA CENTER ORDINANCE AMENDMENTS TO TOWNSHIP ZONING ORDINANCE

SECTION I
DEFINITIONS ADDED TO SECTION _____

The following definitions shall be added to Section _____ of the Township Zoning Ordinance, and shall be inserted into said Zoning Ordinance so that all definitions are in alphabetical order:

Cooling System: Any system, equipment, or apparatus used to regulate temperature and/or humidity within a Data Center, including but not limited to air conditioning units, cooling towers, and liquid cooling systems.

Data Center: A facility or operation consisting of computer systems and associated equipment designed, constructed, and operated for the primary purpose of intake, processing, storage, and/or distribution of computer data and electronic information. Associated equipment shall include all buildings, structures, and components used in the operation of the Data Center, including but not

MTA Sample

limited to servers, routers, switches, storage devices, cooling systems, backup power systems, electrical distribution systems, and telecommunications equipment.

Sensitive Land Uses: A land use that includes educational facilities (Pre-K through 12), college dormitories, commercial child care facilities, hospitals, long term care facilities, nursing homes, retirement homes, campgrounds, parks (excluding linear trails), and dwellings.

SECTION II
ADD A NEW SECTION _____, TITLED "DATA CENTERS"

A new Section _____, titled "Data Centers" is hereby added to the Township Zoning Ordinance to read as follows:

Section _____. Data Centers.

I. PURPOSE

The purpose of this Section is to establish minimum requirements and regulations for the construction, location, operation, and decommissioning of data centers. This Section is designed to ensure that data centers are constructed and operated in a manner compatible with nearby uses of land, the natural environment, and the capacities of public services and facilities. It is also designed to mitigate nuisance impacts and to avoid adverse impacts on important areas such as farmland, Sensitive Land Uses, or valuable natural resources.

II. GENERAL STANDARDS

The following requirements shall apply to all Data Centers in addition to the other generally applicable standards found in the Zoning Ordinance and to the extent of a conflict this Section shall apply:

A. **Site Selection.** Data Centers shall only be allowed as a special land use in the Industrial District [customize to fit individual municipal industrial districts by reference].

B. **Lot Coverage.** Data Centers shall not exceed the maximum lot coverage allowed in the Industrial District.

C. **Placement and Setbacks**. Data Centers shall be arranged, designed, and constructed to be harmonious and compatible with the site and surrounding properties. Data Centers shall be sited to minimize the visual impacts of the bulk of the building on a line-of-sight basis from adjacent public streets and Sensitive Land Uses and to minimize the impacts to natural resources. Data Centers shall comply with the minimum setbacks applicable to the Industrial District except as otherwise provided in this Section.

1. Cooling System components including chillers, fans and compressors must

MTA Sample

be surrounded by full height sound attenuation screening that must be designed to blend with the architectural style, materials, and color of the building:

i. If roof mounted, there must be a 1,500-foot minimum setback from the sound attenuation screening to the closest Sensitive Land Use lot lines. This distance is measured from the nearest part of the sound attenuation screen to the property line of the Sensitive Land Use.

ii. If ground mounted, there must be a 1,000-foot minimum setback from sound attenuation screening to the closest Sensitive Land Use lot lines. This distance is measured from the nearest part of the sound attenuation screen to the property line of the Sensitive Land Use .

2. Generators shall be located within full acoustic enclosures to the maximum extent possible. Enclosures must be designed to blend with the architectural style, materials, and color of the building and cannot be located within 1,000 feet of any Sensitive Land Use, measured from the nearest part of the enclosure to the property line of the Sensitive Land Use . Roof mounted generators are prohibited.

D. **Height**. The height of a Data Center, except for electric distribution and transmission poles, shall not exceed the maximum height permitted for structures in the Industrial District.

E. **Visual Screening**. Views of a Data Center shall be minimized from public rights of way, adjacent properties, and Sensitive Land Uses, to the extent reasonably practicable using architectural features, earth berms, landscaping or other screening methods that will harmonize with the character of the property and surrounding area. The Planning Commission may require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening, or other appropriate measures on a site- specific basis. In making this determination, the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a Data Center is proposed to be located on property adjoining or within the view of a Sensitive Land Use..

F. **Sound**. The Data Center must comply with all federal and state regulations related to noise thresholds and any Zoning Ordinance Industrial District noise limitation. In addition, except as otherwise allowed in this Section, noise levels shall not exceed the following noise thresholds as measured at the Data Center property line shared with any non-industrial use or the property line of the closest Sensitive Land Uses as follows:

1. No sound shall exceed 55 dB(A) weighted (Laeq-10 min) between the daytime hours of 7am to 7pm.

MRA Sample

2. No sound shall exceed 45 dB(A) weighted (Laeq-10 min) between the nighttime hours of 7pm to 7am.

3. No source of steady tonal sound shall exceed 65 dB(C) weighted (Lceq-10 min) at any time.

4. Octave Bands (dBz) will be maintained at acceptable levels.

G. **Lighting**. The Data Center must implement dark sky-friendly lighting solutions, and all lighting must be designed to direct light downward. The facility must produce zero footcandles of light at the property line.

H. **Vibrations**.

1. No Data Center shall be operated, maintained, or tested in a manner that generates a ground-borne vibration level exceeding a Peak Particle Velocity (PPV) of 0.01 inches per second (in/s) at any point along the Data Center's property line. This limit applies across all vibration frequencies between 1.0 Hz and 100 Hz. The 0.01 in/s PPV threshold applies to measurements taken in any of the three mutually perpendicular axes (vertical, longitudinal, or transverse). If any single axis exceeds 0.01 in/s, the Data Center is in violation.

2. Generators must be equipped with vibration isolation and mitigation systems.

3. Data Centers must have continuous vibration monitoring at spacing of no less than 500 feet along all property lines which sit within 1,000 feet of the property line of any Sensitive Land Use.

I. **Water Usage Standards.** A Data Center shall maintain a Water Usage Effectiveness of no more than two tenths (0.2). As used in this Section, "Water Usage Effectiveness" or "WUE" is defined as the ratio of total annual building water consumption (liters) to information technology equipment energy consumption (kilowatt-hour). Evaporative cooling is prohibited.

J. **Energy Usage.**

1. Data Center facilities must be designed to maintain a Power Usage Effectiveness of no more than one and two-tenths (1.2). As used in this Section, "Power Usage Effectiveness" or "PUE" is defined as the ratio of total facility energy consumption divided by the total IT equipment energy consumption (servers, switches, storage devices, etc.). Total facility energy includes all power entering the building, such as cooling systems, lighting, power delivery components, and IT equipment. IT equipment energy

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includes only the power used by computers, servers, storage, and networking devices.

2. Data centers must be designed and operated in compliance with the energy code requirements specified in whichever of the following is most stringent:

   i. The latest adopted Michigan Energy Code;

   ii. The latest published ASHRAE Standard 90.4; or

   iii. Michigan-specific data center energy code requirements adopted by rule, which may include more detailed criteria.

3. The Data Center shall have on-site energy storage capable of supplying not less than fifty percent (50%) of the facility's peak electrical demand for a minimum duration of fifteen (15) minutes, for purposes including grid stabilization, brownout mitigation, and peak-load support. Energy storage systems shall be configured to prioritize discharge during utility-declared peak events and grid emergencies to reduce localized voltage sag, transformer overload, and outage risk in surrounding neighborhoods.

4. The Data Center must demonstrate that it will supply the Center's energy needs independently of the current energy available within the Township and that it complies with all state and federal requirements for the provision of energy to supply its needs.

K. **Generators**. Testing and exercising activities of generators are limited to 9am to 5pm weekdays and are prohibited on any State holiday. No more than two (2) generators shall be tested simultaneously. The use of other backup power sources which serve to reduce or eliminate diesel generator noise and emissions shall be utilized to the maximum extent practicable. All generators must be U.S. EPA Tier 4 compliant.

L. **General Impacts**. Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the Data Center property line.

M. **Public Safety**. All Data Centers must develop and comply with an Emergency Response Plan and Fire Response Plan that shall provide reasonable protection of the public health, welfare and safety during all phases of construction and operation.

N. **Signage**. The Data Center shall post all necessary signage to comply with any applicable electrical, building, and fire codes. Clearly visible warning signs shall be located at the base of any transformers, substations, or electrical components handling energy capable of causing harm to human beings. The Data Center

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operation shall provide a 24-hour emergency contact signage visible at the access entrance.

O. **Access Drives**. The Data Center shall provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at the security gate. The Data Center shall include access drives sufficient to accommodate adequate emergency response to all components.

P. **Surface Water Runoff**. All surface water runoff created by construction and operation of the project shall be effectively managed on-site.

Q. **Building and Electrical Codes**. The Data Center and all associated equipment shall comply with all applicable building and electrical code requirements and any applicable federal or state regulations. A qualified engineer shall provide written certification that the design, installation, and any interconnections are compliant with manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal or state regulations.

R. **Permits**. All Data Centers shall be required to apply for and obtain all necessary permits, including but not limited to building, electrical, plumbing, and mechanical permits.

S. **Transmission and Distribution Lines**. Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer's engineer or a qualified engineer employed by the utility that owns/operates the electrical power grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.

T. **Transfer of Ownership.** No transfer in ownership of the Data Center shall occur prior to providing 60 days' notice to the Township and upon Township approval verifying that the new owner has the ability and means to carry out the terms of the special land use and site plan approval and agrees in writing to carry out such terms. Approval shall not be unreasonably withheld by the Township.

U. **Environment and Community Impact.** A Data Center shall provide, at time of application for special land use permit, detailed analysis by qualified individuals of the Data Center's impact on the environment of the site and surrounding area, and the impact on the community. All environmental impacts must be in compliance with Federal, State, and local standards.

V. **Construction Hours**. Construction Hours shall be limited to 7:00 a.m. – 7:00 p.m. Monday through Saturday unless otherwise approved by the Planning Commission.

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W. **Decommissioning**. A Data Center must have a Decommissioning Plan and Agreement as provided in this Section.

III. APPLICATION REQUIREMENTS AND PROCEDURE

A. **Special Land Use Permit and Site Plan Application Requirements**. Any proposal for a Data Center shall require an application for special land use permit approval and for site plan approval. All required fees and escrow fund shall accompany the application. An incomplete application will not be accepted. The application shall be subject to the general special land use and site plan review requirements in addition to the following submission requirements:

1. The name, address, and contact information of the applicant.

2. The name, address, and contact information of the proposed operator of the Data Center, if different from the applicant.

3. The address and parcel number of each property to be used for the Data Center, including demonstrated proof of ownership, lease, or easement permitting all proposed construction on said property.

4. The planned date for the start of construction of the Data Center and the expected duration of construction, including a description of any construction phases for the Data Center, the proposed timeline for construction of each structure or major component, and a description of any areas where future expansion is anticipated.

5. A description of the expected uses of the Data Center.

6. A description of each Special Land Use standard under the Township's Zoning Ordinance, a detailed statement demonstrating compliance with each Special Land Use standard, and all information and supporting materials relied upon by the applicant in support of their statement of compliance.

7. A description of each standard described in this Section, a detailed statement demonstrating compliance with each standard, and all information and supporting materials relied upon by the applicant in support of their statement of compliance (i.e. sound studies and modeling, vibration studies and modeling, environmental studies, etc).

8. A preliminary electrical plan for the Data Center showing all underground and above ground wiring, the location of any electrical infrastructure, the location and capacity of any interconnections, and any electrical safety devices.

9. Information and supporting materials detailing the anticipated PUE,

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electrical use, maximum possible electrical load, and pre-approval or authorization from applicable electricity service providers that such capacity is available to serve the Data Center.

10. Information and supporting materials detailing the type, size, and location of all Cooling Systems and water usage including the WUE analysis. Such analysis shall include proof of capacity on public water and sewer systems to support the proposed intake and discharge of water for the Data Center.

11. Information and supporting materials detailing the type, size, and location of all onsite energy storage and backup power generation, and whether and how such equipment is to be tested.

12. The expected direct impacts of the Data Center on the environment and natural resources and how the applicant intends to address and mitigate these impacts. The Applicant shall describe all environmental features of the proposed project site and surrounding area, including natural resources, waterways, flora and fauna which may be impacted by the proposed project. The description shall include the anticipated impacts on the environment and habitats and mitigation measures for such impacts.

13. A decommissioning plan as described in this Section.

14. A detailed site plan of the proposed Data Center, showing the location, height, and design of all components of the Data Center, including distances from all existing and proposed structures/buildings and fencing on the site to all lot lines including to all boundaries of a leased site, where applicable, and to all structures/buildings within 2,000 feet of the subject property.

15. A site plan depicting all proposed means of ingress and egress which demonstrates compliance with any applicable fire or emergency response regulations.

16. A landscape plan depicting all proposed changes to the landscape of the existing site, including grading, vegetation removal, fencing and vegetative screening.

17. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area.

18. A fire response plan and an emergency response plan containing, at a minimum, all of the following:

    i. A description of all chemicals or hazardous materials that will be used during the construction or operation of the facility and describe their purpose and location within the facility.

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ii. A detailed evaluation of any risk of intentional or inadvertent chemical or hazardous material discharge, the likelihood of such events, risk mitigation measures to prevent such events, and emergency notification and response plans in the case of such events.

iii. A description of all electrical, fire, smoke, and similar environmental risks, their likelihood, and mitigation measures both before and after an emergency.

iv. A description of the current emergency and fire response capacity and equipment available within the Township and the surrounding area, and whether such capacity and equipment is sufficient to address the risks described in the Plans. If the capacity or equipment is insufficient, the Plan must include a detailed description of such deficiencies and how the facility will attain sufficient emergency response capacity, whether by improvements to local emergency and fire authorities, private emergency management measures, or other means.

v. A description of emergency shutdown procedures, how such procedures are triggered, and any effects that an emergency shutdown may have on the operation, utilities, or emergency response plans.

vi. A description of if and how the Township and the public shall be notified of emergencies at the Data Center to the extent that such emergencies have the potential to result in impacts to the Township or the public.

vii. Evidence of consultation or a good faith effort to consult with local fire department representatives, first responders, and emergency managers to ensure that the Plan is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.

viii. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

ix. A commitment to review and update the plan with fire departments, first responders, and county emergency managers at least once every three (3) years.

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x. Analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.

xi. Other information the applicant finds relevant or wishes to present to the Township.

IV. DECOMMISSIONING AND REMOVAL

A. All Data Centers shall be required to provide a Decommissioning Plan and comply with said plan and the requirements of this Section for the lifetime of the project.

B. The Decommissioning Plan shall include all of the following:

1. State the anticipated life of the project;

2. Describe estimated decommissioning costs in current dollars and provide that this figure will be updated every fifth (5th) year after commencement of operation of the system;

3. Define the conditions upon which decommissioning will be initiated. At a minimum decommissioning shall be required if the Data Center is abandoned. Abandoned shall mean that the Data Center ceases operations for a period of 12 months, unless the current responsible party provides sufficient evidence and guarantee of the intent to resume operations to the Planning Commission.

4. State that decommissioning will allow the Data Center to be repurposed for general industrial use through the removal of aspects of the Data Center specific to use as a Data Center.

5. Describe the timeframe for completion of decommissioning activities;

6. Describe any agreement with the landowner regarding decommissioning; and

7. State the party responsible for decommissioning.

C. The Applicant shall further submit a Decommissioning Agreement to be signed by the applicant, operator, or party responsible for decommissioning and shall bind all successors, heirs and assigns.

D. Decommissioning shall begin within 6 months of abandonment or other trigger and shall be completed within 18 months.

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E. The Decommissioning Plan shall include financial assurance in the form of a bond. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the Data Center. Salvage value shall not be included in the estimated cost of decommissioning. The financial assurance must be posted in at one-hundred-and-twenty-five percent (125%) total decommissioning value by the start of full commercial operation and continuously maintained for the period of the life of the Data Center. During construction a financial assurance must be maintained in an amount to return the site to the original condition and such assurance shall be required until the full financial assurance is provided at the start of the full commercial operation.

V. DEVELOPMENT AGREEMENT.

A. The Planning Commission shall require a development agreement between the applicant/property owner and the Township to ensure completion of the approved site plan and continued compliance with required standards. The development agreement may address, but is not limited to, the following: The property's legal description; the zoning district in which the property is located; the site plan as approved; conditions of site plan approval; security for general improvements; compliance with standards during and after development; maintenance of the site during and after development; open area maintenance; stormwater management; roads and drives; sewer and water; Township engineer approval of construction plans; easements for and assignments of utility lines; pedestrian sidewalks; tree preservation; wetland preservation; landscaping; electricity and gas use; lighting; construction access; construction work schedule; performance guarantee; engineering plans and certifications; site grading and setbacks; monuments and markers; warranties; proceedings for failure to maintain repair or preserve development elements; reimbursable costs to the Township; enforcement procedures; duration of agreement; and construction oversight.

VI. SMALL-SCALE OPERATION EXCEPTION

A. The provisions of this Section shall not apply to a Data Center which is constructed and operated solely as an accessory and subordinate use to an existing principal use on a property, so long as that Data Center is (1) housed entirely within existing structures which conform to all zoning and other permit requirements, (2) creates no adverse impacts on adjacent land uses, and (3) requires no additional approvals from a utility provider with respect to electrical or water usage.

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SECTION IV
AMEND SECTION _____

Section ____ of the Township Zoning Ordinance is amended to add the following use as a

special land use in the Industrial Zoning District:

- Data Center

SECTION VI
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION VII
REPEALER AND EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This ordinance shall take effect 8 days after publication after adoption.

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