



Agenda
Planning Commission Meeting
Wednesday, September 16th, 2026, 6:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions to Agenda
5. Approval of Agenda
6. Approval of the August 2026 Meeting Minutes
7. Public Comment – Limit to 3 minutes
8. Township Board Representative Report
9. Zoning Administrator Report
10. Zoning Board of Appeal Report
11. Committee Report
12. Unfinished Business
 - a. Discussion on Data Centers – Ordinance Language
13. New Business
 - a. IHCC (Irish Hills Concerned Citizens) Presentation (10 Min) – Andy Buchsbaum/Kyle O'Meara
14. Public Comment – Limit to 3 minutes
15. Commissioner Comments
16. Adjournment

NORVELL TOWNSHIP

Public Comment Policy

PUBLIC COMMENT

As required by PA 276 of 1976, The Open Meetings Act, there shall be a minimum of one (1) Public Comment period at any Open Meeting of Norvell Township government. Any member of the public wishing to address the public body will limit their comments to one (1) three (3) minute period during each period of Public Comment so that all members of the public wishing to address that body may have an opportunity to be heard. In cases where more than 30 members of the public are present at a meeting and wish to provide public comment, the Township Board limits the length of public comment made by an individual to two (2) minutes in duration during each period of Public Comment. The Chair, at their discretion, may extend that period. A member of the public not using the full three (3) minutes allotted, may not cede any unused time to another speaker. In the event that a group of more than three (3) persons supporting or opposing the same position desires to be heard, in the interest of time, a spokesperson may be designated to express the group's concern, and the spokesperson may be allotted up to ten (10) minutes to speak.

MANNER OF ADDRESSING THE BOARD/COMMISSION

Upon recognition by the meeting Chair, each person addressing the Board/Commission is asked (but not required) to stand and give his/her name and address in an audible tone of voice for the record. All comments are to be addressed to the meeting Chair. No person other than members of the Board/Commission and the person recognized shall be permitted to enter into any discussion, either directly or through the members of the Board/Commission. No question shall be asked of the Board/Commission members except through the meeting Chair.

BREACHING THE PEACE

Any person who breaches the peace may be requested to leave. Breaching the peace includes repeatedly speaking without being recognized, threatening harm to any person or property, or otherwise disrupting the orderly proceeding of the meeting. If an individual who is breaching the peace refuses to leave, law enforcement will be called to remove the subject.

RECORDING OF TOWNSHIP MEETINGS

Any person shall have the right to record (either audio or video), broadcast or take pictures of the proceedings of an Open Meeting but shall not utilize the electric outlets of the Township without prior permission of the Township Clerk. Any recording device and picture taking device shall be kept a minimum of ten (10) feet from any Board member and may not be placed behind them. Said devices shall not be placed so as to impede the vision of other members of the public. All cords related to those activities are to be kept in a secure manner so as not to cause a trip/fall hazard.

Adopted 11/15/2023



Phone: (517) 536-4370

106 E. Commercial Drive
Norvell, MI 49263

To: Planning Commission
From: Scott Pacheco, AICP: SP Urban Planning Services
Date: September 16, 2026
Agenda Item: 1
Subject: Data Center and Power Generation Facilities

Project Description and History:

Earlier this year, the Norvell Township Board adopted 12-month moratoriums on applications for Data Centers and Power Generation Facilities to allow the Township adequate time to review these uses and develop comprehensive regulations addressing the potential impacts these facilities may have on the health, safety, and welfare of Township residents.

On March 18, 2026, the Norvell Township Planning Commission held its initial discussion regarding potential regulations for Data Centers. Since that time, a number of townships throughout Michigan have considered and adopted regulations addressing Data Centers and other high-resource-demand uses. The proposed regulations have been developed, utilizing best planning practices, other township's regulations and the MTA model ordinance, to address the potential impacts associated with these uses while providing a clear regulatory framework for their siting, design, operation, monitoring, and eventual decommissioning.

Analysis:

Attached to this report as Exhibit 1 is a draft amendment to the Norvell Township Zoning Ordinance establishing regulations for High Resource Demand Facilities (HRDFs), Data Centers, and Power Generation Facilities. The proposed regulations are intended to establish appropriate standards for the siting, design, construction, operation, monitoring, and decommissioning of these facilities.

The proposed regulations are intended to ensure that High Resource Demand Facilities, Data Centers, and Power Generation Facilities are appropriately located and designed, while addressing their potential impacts on the community, including impacts to land use compatibility, infrastructure capacity, water resources, energy consumption, noise, vibration, air quality and emissions, lighting, traffic, public safety, natural resources, and neighboring properties.

The proposed regulations also establish requirements for community engagement and transparency, infrastructure impact analysis, performance standards, energy and water conservation, emergency response, financial guarantees, annual reporting and monitoring, community benefits, and decommissioning and site restoration. These requirements are intended to ensure that the Township has adequate information to evaluate proposed projects and the ability to monitor continued compliance after approval.

At tonight's Planning Commission meeting, I would like to review the proposed regulations with the Planning Commission and discuss the overall direction the Commission believes Norvell Township should take regarding the regulation of High Resource Demand Facilities, Data Centers, and Power Generation Facilities.

The purpose of the discussion is not necessarily to review every provision line-by-line, but to identify the Commission's preferred approach to the major regulatory issues, including appropriate locations, setbacks, infrastructure and resource impacts, noise and emissions, energy and water usage, community benefits, monitoring and reporting, financial guarantees, and decommissioning.

Based on the Planning Commission's direction, the proposed regulations can then be revised and refined for further review and consideration.

State Regulations

Exhibits

Exhibit 1: Draft Zoning Text Amendment (Ord26-00_)

NORVELL TOWNSHIP

Draft

ORDINANCE NO. 26-00_

AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING HIGH ENERGY USERS, DATA CENTERS AND POWER GENERATION FACILITIES

The following regulations are created to protect and preserve the health safety and welfare of the township citizens and to comply with the Master Plan.

The Township of Norvell ordains:

Article 2 DEFINITIONS

Section 2.4 Definitions "C"

Canopy Tree: A deciduous tree that typically reaches a mature height of at least 30 feet and develops a broad, spreading crown, providing significant shade and contributing to the overall tree canopy.

Child Care Center: A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours in a day where the parents or legal guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. A child care center does not include any other facilities which have been exempted from the definition of "child care center" under the Child Care Organizations Act, PA 116 of 1973.

Child Care Home, Family: A private home in which care is provided for compensation, for at least one (1) but less than (7) minor children, for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for people related to an adult member of the family occupying the dwelling is excluded from this definition. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family day care facility does not include an individual providing babysitting services for another individual; "Providing babysitting services"; means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family day care facility includes a private home with increased capacity. Family child care homes only apply to the bona fide private residence of the operator of the family day care facility.

Child Care Home, Group: A private home in which care is provided for at least seven (7) but not more than twelve (12) minor children for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian. Care for persons related to an adult member of the family occupying the dwelling is excluded from this definition. Group day care facility includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group day care facility includes a private home with increased capacity. Group Child Care Homes only apply to the bona fide private residence of the operator of the group day care facility.

Concrete Plant: An establishment primarily engaged in manufacturing concrete or cement, including concrete or cement delivered to a purchaser in a plastic and/or unhardened state. This industry includes production of products from a combination of concrete or cement and aggregate.

Clinic: An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an outpatient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Clubs: The building and facilities owned or used by a nonprofit organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities, and other similar group activities.

Commercial Agriculture: The use of land and/or structures for the growing and/or production of farm products for income.

Commercial Fueling Station: An unmanned automated fuel service facility which dispenses fuel exclusively to commercial fleet vehicles.

Commercial Renewable Energy Facility: A renewable energy system in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Conditional Use: A use which is subject to conditional approval by the Planning Commission and the Township Board. A conditional use may be granted only when the specific provisions of this Ordinance are complied with. A conditional use is not considered to be a nonconforming use.

Cul-de-sac: A dead-end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

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.

Section 2.5 Definitions “D”

Dark Sky-Friendly Lighting Technology: A light fixture that is designed to minimize the amount of light that escapes upward into the sky.

Data Center: A facility used for centralized storage, management, processing, and transmission of digital information, typically containing computer servers, data storage systems, telecommunications equipment, power distribution systems, cooling and ventilation systems, uninterruptible power supplies, backup generators, and associated support infrastructure. The term includes colocation centers, cloud-computing facility, hyperscale computing facilities, and similar high-intensity information technology operations. The term does not include small server rooms, IT closets, or similar equipment rooms that are clearly accessory and subordinate to another lawful principal use and meets the definition of an Accessory Data Center.

Data Center, Accessory: A center that is clearly incidental and subordinate to a principal use (e.g., hospital, university, large employer) and less than 10,000 square feet gross floor area.

dBA: The sound pressure level in decibels using the “A” weighted scale defined by the American National Standards Institute (ANSI)

Decibel: A unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.

Deck: A platform constructed of wood or other materials, which is attached or unattached to a dwelling unit.

Drive-in: A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to service patrons while in the motor vehicles as well as within the building or structure.

Dwelling Area: The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, family and living rooms.

Dwelling: One or more rooms for the use as a housekeeping unit with space for a kitchen and bathroom facilities, living and sleeping areas.

Dwelling - Single-Family: A detached building, including a manufactured home, premanufactured home, or conventionally constructed home, designed for or occupied by one family only.

Dwelling - Two-Family: A detached building designed for or occupied by two families only, with separate housekeeping and space for a kitchen and bathroom facilities, living and sleeping areas for each unit.

Dwelling - Multiple-Family: A building designed for or occupied by three or more families, with separate housekeeping and space for a kitchen and bathroom facilities, living and sleeping areas for each unit.

Section 2.9 Definitions “H”

Home Occupation: An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

Hotel: A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which no provisions for cooking are made, and in which building there may be a general kitchen, and/or public dining room for the accommodation of the occupants. The word "hotel" shall not include a "motel" or "motor court."

Hydro-geologic Study: A study which provides an evaluation of existing soils and ground water with respect to the ability of the soil to support septic systems, and other types of analyses.

Section 2.09 Definitions “H”

Habitable Space: Space in a structure for living, sleeping, eating or cooking, Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hazardous Substance: Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical material, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance are also hazardous substances.

Height: When referring to a tower or other structure not a building, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including any base pad and any antenna.

High Resource Demand Facility (HRDF): A principal nonresidential facility, campus, or group of buildings under common ownership or control that is characterized by (i) continuous or near-continuous operation, and (ii) significant mechanical, electrical, or cooling infrastructure, that meets the applicability criteria in subsections a. and b. below.

A facility shall be considered a HRDF only when both of the following are met:

a. Operational Characteristics. The facility includes one or more of the following operation characteristics that are integral to the primary use:

- i. Central plant or large-scale mechanical cooling and/or ventilation systems service process loads or IT/electronic equipment;
- ii. On-site emergency generation with an aggregate nameplate capacity exceeding 2,000 kW or 2 MW, and/or on-site fuel storage exceeding 10,000 gallons;
- iii. Dedicated electrical transformation/switchgear yard, substation, or similarly intensive electrical infrastructure primarily serving the facility;
- iv. 24-hour operations and/or operational necessity requiring uninterrupted environmental control (temperature/humidity) or high-reliability power systems.

b. Resource/Infrastructure Thresholds. The facility exceeds one or more of the following thresholds, as demonstrated by applicant-prepared estimates and approved or constructed within five (5) years:

- i. Water demand: average daily water demand > 100,000 gallons/day;
- ii. Sanitary sewer: average daily sanitary discharge > 50,000 gallons/day;
- iii. Electric demand: maximum contracted demand or designed peak demand > 10MW (or equivalent documented kW);
- iv. Hazardous material s/ regulated wastes: storage, use, or generation requiring reporting under [EPCRA Tier II and/or applicable state hazardous materials reporting] and/or generation of hazardous waste at a level regulated under [state/federal hazardous waste generator requirements], as documented on a materials inventory submitted with the application.

Exclusions. HRDF does not include general warehousing/distribution, general manufacturing, or office uses unless the Zoning Administrator determines, based on operational characteristics and supporting documentation, that the facility is substantially similar in operational profile to HRDF-type facilities (e.g., high-reliability power demand and continuous environmental control serving electronic/process loads) and meets subsections a. and b.

Aggregation. Multiple buildings, modules or phases located on the same site or on contiguous parcels under common ownership or control shall be aggregated for purposes of determining HRDF status and whether thresholds are exceeded.

Relationship to Data Centers. A Data Center or Data Processing Center that meets the HRDF definition shall be considered a HRDF and shall comply with all applicable HRDF supplemental standards.

Section 2.17 Definitions “P”

Parcel: A piece or tract of land in single or joint ownership.

Parking Space: One unit of a parking area provided for the parking of one (1) automobile.

Participating Property: Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.

Person: An agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Poultry: domestic fowl, such as, but not limited to, chickens, turkeys, ducks, or geese.

Powercraft: Watercraft containing a mechanical power unit as its main source of power or as a secondary or auxiliary source of power.

Public Street: A public right-of-way which is certified and maintained by the Jackson County Department of Transportation.

Power Generation Facility: A facility that generates electricity for sale or distribution off-site using combustion, steam, nuclear, or similar thermal processes, expressly excluding wind, solar, and battery storage systems regulated under Article 8 Renewable Energies, and expressly excluding essential public service facilities.

ARTICLE 4 ALLOWED USES

Section 4.1 Permitted and Conditional Use Tables

F. Commercial

Commercial Uses	Zoning Districts											
<u>Uses</u>	<u>AG</u>	<u>RR</u>	<u>RS-1</u>	<u>RS-2</u>	<u>RL-1</u>	<u>RL-2</u>	<u>RM</u>	<u>MH</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>Additional Regs</u>
Accessory Data Center	-	-	-	-	-	-	-	-	C	C	C	

G. Industrial Uses

Industrial Uses	Zoning District											
<u>Use</u>	<u>AG</u>	<u>RR</u>	<u>RS-1</u>	<u>RS-2</u>	<u>RL-1</u>	<u>RL-2</u>	<u>RM</u>	<u>MH</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>Additional Regs</u>
High Resource Demand Facilities, Data Centers, and Power Generation Facilities	-	-	-	-	-	-	-	-	-	-	C	Section 4.3 (X)

Section 4.3 Additional Conditional Use Regulations

X. High Resource Demand Facility, Data Centers and Power Generation Facilities

1. **Purpose and Intent:** The purpose of this ordinance is to establish a regulatory framework for siting, design, operation, and decommissioning of High Resource Demand Facilities, Data Centers, and Power Generation Facilities in order to balance local economic benefits with protection of public health, safety, welfare, natural resources, and neighborhood character. Standards are intended to:
 - a. Direct High Resource Demand Facilities, Data Centers, and Power Generation Facilities to locations with existing and adequate infrastructure, redevelopment and infill of existing sites, and minimal land-use conflicts;
 - b. Avoid and mitigate nuisance impacts (noise, vibration, light/glare, air emissions);
 - c. Ensure efficient use of electricity and water, prioritizing renewable energy and conservation;
 - d. Promote appropriate architecture and robust screening;
 - e. Ensure compatibility with adjacent land uses and the Township's Master Plan;
 - f. Ensure responsible decommissioning and site restoration, and
 - g. Ensure continue compliance with the rule and regulations established in the code.The following regulations are in addition to other regulations and restrictions of the Townships Municipal Codes.

2. **Process:**

The following are in addition to the site plan review and special use permit processes under Article 13 Site Plan Review and Approval and Chapter 14 Conditional Use Review :

- a. Neighborhood meeting(s) (mandatory, prior to first public hearing)
 - i. The applicant shall hold at least one neighborhood meeting no fewer than 35 days and no more than 90 days prior to the first public hearing.
 - ii. Notice shall be given to all property owners and addresses (if different) within 500 feet of the proposed project site. If a property is within 500 feet and is part of a subdivision, homeowners, or business owners association, all members of the association shall be notified.
 - iii. Additional neighborhood meetings may be required if:
 - There are significant amendments, based upon determination of the Zoning Administrator, to the plan from when the first neighborhood meeting was held and the final Planning Commission or Township Board reviews; or
 - The Planning Commission or Township Board directs additional engagement due to public interest.
 - iv. Neighborhood meeting requirements
 - Held at a location within Norvell Township that is ADA-accessible, and available after 5:00 p.m. on a weekday or on a weekend;
 - Virtual participation option must be provided;
- b. Transparency Requirements:
 - i. The Applicant shall provide complete and accurate information identifying the entities and persons involved in the ownership, development,

construction, financing, operation, and use of the proposed facility. The application shall, at a minimum, identify:

- The legal name of the Applicant and the entity that will hold the zoning approval;
 - The legal owner of the property;
 - The proposed owner and operator of the facility, if different from the Applicant;
 - The parent company, controlling entity, and any subsidiary or affiliate that will own or operate the facility;
 - The entity or entities responsible for construction of the facility;
 - The proposed end user or users of the facility, if known;
 - The general nature and purpose of the data processing, computing, storage, or other activities to be conducted at the facility;
 - The anticipated use of the facility by third parties, tenants, customers, or other users, to the extent known; and
- ii. Disclosure of End Users.
- If the proposed end user, tenant, customer, or operator of the facility is known at the time of application, the Applicant shall identify the entity by its legal name and provide a general description of the intended use of the facility by that entity.
 - If the end user has not been identified at the time of application, the Applicant shall state that the end user is not yet known and shall provide the Township with the information required by this Section when the end user is subsequently identified.
- iii. Prohibition on Use of Confidentiality Agreements to Withhold Required Information.
- No Applicant, property owner, developer, operator, tenant, or other party involved shall enter into or enforce a non-disclosure agreement, confidentiality agreement, or similar agreement for the purpose of preventing the Township from obtaining, considering, or disclosing information that is required to be submitted under this Ordinance or that is material to the Township's evaluation of the application.
 - A confidentiality agreement shall not be recognized as a basis for withholding information required by this Ordinance.

3. Site Design Standards

a. Dimensional Standards

- i. HRDF, Data Centers and Power Generation Facilities shall only be located in the I-1 zoning district and on sites that meet the minimum size and width requirements of the I-1 zoning district.
- ii. In addition to the I-1 zoning district requirements:
 - The following setbacks shall be met from any roadway, residential use property or residentially (including AG) zoned property:
 - Properties up to 25 acres; a 200-foot setback,
 - Properties between 25 and 75 acres; a 500-foot setback,

- Properties between 75 and 125 acres; a 1,000-foot setback, and
 - Properties over 125 acres; a 1,500-foot setback.
- b. Mechanical, Loading and Rooftop Equipment.
 - i. Mechanical equipment shall be fully enclosed unless mechanically unfeasible based on manufacturers' specifications.
 - ii. If located outside of a building, all mechanical equipment (HVAC, generators, cooling towers, transformers) shall be fully screened by architecturally compatible walls/panels.
 - iii. Rooftop equipment must be screened to full height from public viewpoints.
 - iv. Service/loading areas shall be oriented away from residential districts where feasible and screened accordingly.
- c. Exterior Lighting shall meet the requirement under Section 6.10
- d. Landscaping and Buffers. The following are in addition to the landscape and greenbelt requirements under section 6.9 and the site plan and special use permit requirements:
 - i. Landscaping including graded berms shall be utilized to screen the proposed projects from off-site views, when determined by the Planning Commission to be needed.
- e. Stormwater Runoff. All surface water runoff created by construction and operation of the project shall be effectively managed on-site.
- f. Parking:
 - i. Parking shall meet the requirements under Section 9.1
 - ii. Alternative parking requirements may be approved with submittal of a parking study, prepared by a qualified professional, that demonstrates that the number of parking spaces required by this section is greater than or less than the anticipated peak parking demand of the proposed use.

4. Performance Standards

- a. Noise: In addition to the noise regulations under the Township Noise Ordinance the following requirements shall be met:
 - i. Noise. Operations, including all mechanical equipment, cooling systems, generators, and HVAC equipment, shall not exceed the following noise levels as measured at the property line:
 - Daytime (7:00AM to 10:00PM): 55dBA (A-weighted)
 - Nighttime (10:00PM to 7:00AM): 45 dBA (A-weighted)
 - Low-Frequency noise at all times: 65 dBC (C-weighted)
 - Post-operation noise shall not to exceed pre-construction ambient levels by more than 3 dB if project is adjacent to a residential district.
 - ii. Equipment testing, maintenance activities, and construction activities that generate elevated noise, including generator testing, shall be limited to the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday.
 - The average hourly decibel level may be exceeded during short-term events such as severe windstorms.
 - A pre- and post-construction noise evaluation shall be completed by a certified professional by the Institute of Noise Control Engineering

(INCE), or a licensed Professional Engineer (PE) to verify compliance with the Township's standards.

- b. Vibration. No project 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 project is in violation.
 - c. Air Quality and Emissions.
 - i. All stationary engines, cooling towers, and emission sources shall comply with the Federal Clean Air Act and EGLE rules. Required Air Use Permits to Install (PTI) must be obtained and kept current.
 - ii. New generators shall meet EPA Tier 4 Final standards. Dispersion modeling may be required by the Planning Commission where the HRDF is within 500 feet of sensitive areas.
 - iii. All generators, cooling systems, and other emission sources shall comply with Federal Clean Air Act requirements and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) air quality rules.
 - iv. Facilities shall obtain and maintain any required air use permit to install (PTI) or other approvals from EGLE for stationary engines, cooling towers, or fuel storage.
 - v. Cooling towers shall include drift eliminators and be managed to prevent particulate emissions or microbial contamination.
 - vi. The facility shall be designed and operated so that thermal emissions do not cause a sustained increase in ambient air temperature at any property line beyond the limits below, measured at 5 feet above grade:
 - Residential or mixed-use property line: not more than +2°F above ambient background, averaged over any 15-minute period.
 - Nonresidential property line: not more than +4°F above ambient background, averaged over any 15-minute period.
 - No thermal emission shall create unsafe conditions on sidewalks, trails, roadways, or public spaces due to icing, fogging, or thermal plume interaction with winter conditions.
 - vii. Generator emissions.
 - Generators shall meet or exceed current EPA Tier 4 Final emissions standards.
 - Prior to other emergency generator use, the first fifteen minutes of power interruption shall be supported by on-site battery backup generation.
 - Dispersion modeling may be required if a facility is within 500 feet of a residential district, school, park, or hospital.
 - Routine generator testing shall occur only between 10:00a.m. and 4:00 p.m. on weekdays.
- 5. Energy and Sustainability.**
- a. Energy Efficiency.

- i. HRDF and Data Center only. Projects must be designed to achieve a Power Usage Effectiveness (PUE) of 1.2 or lower or provide documentation demonstrating the highest level of efficiency reasonably achievable based on site-specific constraints.
 - As used for Data Centers, “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 includes only the power used by computers, servers, storage, and networking devices.)
 - As used for Power generation facilities “Power Usage Effectiveness” or “PUE” is defined as the ratio of total facility energy consumption divided by the total power generation equipment energy consumption. Total facility energy includes all power entering the building, such as cooling systems, lighting, and power delivery components. Power generation equipment energy includes only the power used by equipment needed to produce energy.
- ii. Facilities shall incorporate best practices for energy conservation, including but not limited to high-efficiency HVAC systems, waste heat reuse, variable-speed drives, and hold/cold aisle containment.
- b. Renewable Energy Integration (HRDF and Data Center Only).
 - i. Applicants are encouraged to incorporate on-site renewable energy generation (e.g., solar, wind, geothermal) or to procure renewable energy from off-site sources.
 - ii. One hundred percent (100%) of the annual energy consumption shall be generated through renewable energy sources, whether on-site or through power purchase agreements, renewable energy credits, or e-certified power programs.
 - iii. All renewable energy used for the site shall be provided through new renewable energy sources, not existing sources.
 - iv. 75% of the rooftop and parking areas shall be used for on-site renewable power generation.
- c. Water Conservation.
 - i. Water Usage Effectiveness of no more than two tenths (0.2) shall be maintained by the use. 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 or power generation equipment energy consumption (kilowatt-hour). Evaporative cooling is prohibited.
 - ii. Cooling systems shall be designed to minimize potable water use. Closed-loop cooling water systems or other cooling systems that are proven to use less water are required.

- iii. Facilities using water-based cooling must demonstrate the use of recycled, reclaimed, or non-potable water sources to the maximum extent possible.
- iv. Withdrawals/Discharge.
 - Any large quantity water withdrawal or discharge shall comply with applicable state and county permits. Approval by the Township shall be contingent upon written confirmation from the applicable utility and regulatory agencies that the proposed withdrawal or discharge will not adversely impact existing users, system capacity, groundwater resources, or downstream infrastructure.
 - Township approval shall be conditioned upon a finding that the proposed withdrawal or discharge: will not exceed available system or aquifer capacity at full build-out; will not displace or impair existing or reasonably foreseeable users; will not require public investment or system expansion to serve the facility; and will not result in stranded or oversized infrastructure in the event of facility closure or decommissioning.
- d. Green Building Practices.
 - i. New structures shall be designed to achieve LEED Silver certification.

6. Security, Site Access and Public Safety.

- a. Controlled Access.
 - i. All site entrances shall include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.
 - ii. Visitor and delivery access points must be separated from employee access points wherever feasible.
- b. Emergency Access.
 - i. A minimum of two points of emergency vehicle access shall be provided, with clear signage and unobstructed pathways around the building.
 - ii. Access drives shall be constructed to fire development standards, with sufficient load-bearing capacity for emergency apparatus.
 - iii. Fire lanes shall be maintained free of obstruction at all times.
- c. Emergency Response Coordination, Fire Protection and Suppression.
 - i. Projects shall be equipped with an automatic fire detection and suppression system designed to protect both building occupants and sensitive equipment.
 - ii. Suppression systems shall comply with National Fire Protection Association (NFPA) standards and be approved by the Fire Marshal.
 - iii. Operators shall provide annual training opportunities and site orientations to local fire, police, and emergency medical services.
- d. Hazardous Materials Management.
 - i. Any use of hazardous materials (including fuels for backup generators, batteries, and chemicals for cooling systems) shall comply with federal, state, and local storage, reporting, and disposal requirements.
 - ii. Any water cooling pit reservoirs shall be constructed to contain 2.5 times the needed volume of fluid needed with triple alternating layers of compacted clay and geosynthetic clay lines to prevent contaminated cooling water from leaching back into the local watershed. Such cooling

reservoirs shall be enclosed to prevent particulate matter from being released into the atmosphere. Used cooling water shall be disposed of at an appropriate licensed haz-mat disposal facility.

- e. Accessory Battery Energy Storage Systems
 - i. Battery Energy Storage Systems (BESS) shall be an accessory component to the principal use of the property.
 - ii. BESS shall comply with NFPA 855, the Michigan Building/Fire Codes, and manufacturer's specifications.
 - iii. Outdoor BESS containers shall meet the minimum setbacks for HRDF unless a greater distance is required by NFPA 885 based on technology and aggregate capacity.
 - iv. Provide vehicle impact protection fire-rated separation where required, gas detection, ventilation, and emergency shut-offs. Include a BESS-specific emergency response plan and data sheet package.
- f. On-Site Substation/Switchyard (if provided)
 - i. Shall be located to minimize visual and noise impacts; evergreen screening and security fencing consistent with utility standards shall be provided.
 - ii. Transformers shall include integral secondary containment sized per state rules.

7. Community Benefits Standards: HRDF, Data Centers, and Power Generation

Facilities may consume substantial land, infrastructure capacity, and community resources while providing varying levels of locally realized benefit, it is reasonable to require an applicant to identify the direct and substantial public benefits expected to result from the particular project.

- a. The Planning Commission shall determine that the development of the project will create a significant community benefit. A generalized assertion that a project will promote economic development, increase the tax base, create construction activity, or generate other benefits commonly associated with development does not, standing alone, provide a sufficient basis for determining whether the location, scale, and intensity of a proposed project is appropriate.
- b. Some examples of significant community benefits could include:
 - i. Permanent employment opportunities attributable to operation of the facility;
 - ii. Infrastructure improvements that will provide a reasonably identified benefit beyond the boundaries of the project;
 - iii. Remediation or productive redevelopment of contaminated, blighted, obsolete, or previously developed land;
 - iv. Protection, restoration, or permanent preservation of natural resources, open space, or agricultural land beyond what is otherwise required by applicable law or this Ordinance;
 - v. Improvements to public roads, emergency-response capabilities, water or sewer facilities, or other public infrastructure that are proportionate to the project and provide an identified community benefit;

- vi. On-site energy-efficiency, water-conservation, heat-recovery, or resource-management measures that materially reduce the project's off-site impacts beyond minimum regulatory requirements;
- vii. Binding commitments that reduce or mitigate reasonably anticipated burdens upon Township residents, existing utility customers, surrounding property owners, agricultural operations, or public services;
- viii. If decommissioning of the facility occurs the renewable energy sources created for the project, either on-site or off-site can be donated to the local municipality or utility company, and
- ix. Other direct, substantial, enforceable, and project-specific benefits that further the goals of the Township Master Plan or protect the public health, safety, and general welfare.

8. Consultants and Cost Recovery

- a. The township may retain, at a reasonable cost, any consultants needed to review the initial application and associated reports, construction activities, potential violations to the approvals and on-going annual reporting.
- b. Prior to any review the applicant shall provide an escrow in the amount needed to reimburse the township for the consultant's review.

9. Reporting and Monitoring.

- a. Reports Required with application submittal:
 - i. Community Engagement Plan (CEP): A CEP shall be submitted as part of the application package and must include:
 - Project overview (site, size, phasing, anticipated construction timeline);
 - Draft public information materials (fact sheet, FAQs);
 - Engagement schedule and methods;
 - Proposed meeting formats and locations (including virtual option);
 - List/map of stakeholders and the Engagement Area;
 - Languages and accessibility accommodations;
 - Communication channels (project website, email list, hotline);
 - Process for documenting comments and responses; and
 - Proposed Risk Mitigation
 - ii. Photometric Plan. The plan should show:
 - Entire site and adjacent context, including buildings, parking areas, drives, sidewalks, trails, roads, water, glass, and other potentially reflective surfaces.
 - Property lines, with adjoining zoning and land use identified, particularly every residentially zoned or used property.
 - Calculation grid points across all illuminated areas and along every property line.
 - Maintained horizontal illuminance in footcandles at grade, based on the fixtures' maintained light output rather than initial output.
 - Maximum calculated value within each area, not merely the average.
 - Maximum value at each property-line segment, with residential boundaries evaluated separately.
 - Fixture locations, identification tags, orientations, mounting heights, tilt angles, and aiming directions.

- Building heights and distances from each pole to nearby residential areas.
- A scale, north arrow, calculation-plane elevation, and calculation assumptions.
- Use a sufficiently tight grid to avoid missing localized hot spots. Add calculation points at corners, drive entrances, fixture-adjacent areas, and other locations where maximum values are likely.
- iii. Performance Standard Report which identifies noises levels, any vibrations, that may be created, and air quality and emissions levels.
- iv. Infrastructure Impact Statement. Applicants shall submit an Infrastructure Impact Statement at the time of site plan review, which must identify:
 - Utility Capacity Impact Statement from DTE/ITC confirming service adequacy.
 - Anticipated electric power demand (MW). Report shall include information on plans to meet renewable energy requirements.
 - Anticipated water usage for cooling and other operations (gallons per day).
 - Operations report detailing anticipated power demand and redundancy systems, including all Battery Storage Facilities.
 - Heat recovery or reuse feasibility analysis which includes information on waste heat recovery, reuse, and/or discharge methods.
 - Planned on-site backup generation capacity (MW) and associated fuel type(s).
 - A waste management plan detailing how construction waste will be handled during the construction period. The plan shall include; Estimated volumes and types of materials to be generated; Identification of materials proposed for recycling, salvage, or reuse; Designated recycling and disposal facilities; Procedures for on-site material separation and storage; Documentation requirements demonstrating final disposal and diversion; A minimum diversion rate of 50% is required.
- v. Traffic and Construction Management Plan, that includes Construction Logistics such as identifying haul routes, access points, delivery windows, worker parking, dust/mud control and hours of operation.
- vi. Emergency Response Plan to the Township at the time of site plan review, which must include:
 - Site layout for emergency responders.
 - Fire suppression and alarm systems description.
 - Backup generator location and fuel storage details.
 - Contact information for on-site security and facility management.
- vii. Hazardous Materials Management Plan identifying on-site materials, storage methods, spill prevention measures, and emergency response procedures.
- viii. Public Benefit Agreement, which clearly identifies any proposed public benefits of the project and establishes a plan to achieve those benefits.
- ix. Development Agreement. 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.
- x. Decommissioning and Site Restoration Plan that includes:
- The anticipated life of the project
 - Parties responsible for decommissioning activities
 - Triggers and timeframes for decommissioning.
 - Statement to allow repurposing any improvement for future approved uses
 - Methods for removal of structures, equipment, utilities, and impervious surfaces.
 - Recycling and disposal of equipment and hazardous materials.
 - Final grading, soil stabilization, and revegetation.
 - Restoration of the site to a condition compatible with surrounding uses.
 - Decommission deposit requirements and information
 - A Decommissioning Agreement to be signed by the applicant, operator, or party responsible for decommissioning and shall bind all successors, heirs and assigns
- b. Report Required prior to certificate of occupancy, commissioning results for mechanical, electrical, and water systems and acoustical compliance shall be submitted to the Township.

- c. Report required annually by March 31 each year, to the Township, including:
- Actual annual energy consumption (MWh) and calculated PUE (HRDF and Data Centers Only).
 - Renewable energy procurement and percentage of total load(HRDF and Data Centers Only)
 - Water usage (gallons) and cooling method.
 - Water discharge (gallons) and method.
 - Generator testing/operating hours and emissions compliance statement with current EGLE permits.
 - Sound Level monitoring summary, report should include a sound measurements taken at least 4 different times during a 24 hour period once a week once a month the study should include a sound measurement during generator testing.
 - Summary of any energy efficiency, cooling system, security systems and any upgrades implemented

10. Decommissioning

- a. Decommissioning Timeframes
- i. A project shall be considered abandoned if it ceases operations for a period of 12 consecutive months, unless the owner provides evidence of intent to resume operations.
 - ii. Decommissioning must begin within 6 months of abandonment and be completed within 12 months of abandonment.
- b. Financial Guarantee
- i. Prior to obtaining a building permit, the applicant shall post a performance guarantee in the form of (CASH DEPOSIT)a letter of credit, bond, or escrow account acceptable to the Township for the amount estimate to cover the costs for decommissioning of the project.
 - ii. The obligation to provide and maintain a financial guarantee is a continuing covenant that runs with the land and binds the owner, applicant, operator (if different), and all successors and assigns. No sale, conveyance, assignment, foreclosure, lease, or other transfer of any interest in the property shall impair or release the obligation to maintain the financial guarantee. The Township shall not release any financial guarantee unless the Township has confirmed in writing that the obligations secured thereby have been fully performed or that an acceptable substitute financial guarantee has been provided. The amount of the financial guarantee shall equal 150% of the estimated decommissioning cost, as determined by a qualified engineer and approved by the Township.
 - iii. Estimates for the cost of decommissioning must be updated every 5 years and adjusted for inflation. The Township may request additional financial guarantees based on the change in estimated cost.
- c. Removal Standards
- i. All above-ground structures, including buildings, mechanical equipment, cooling towers, security fencing, and pavement not otherwise serving a reuse, shall be removed.

- ii. Below-ground infrastructure, such as foundations and utilities, shall be removed to a minimum depth of 36 inches below grade unless otherwise approved.
- iii. Materials shall be recycled to the maximum extent practicable.
- d. Site Restoration
 - i. The site shall be restored with topsoil, seeded or planted with native vegetation, and stabilized to prevent erosion.
 - ii. The Township may approve alternate restoration plans if the site is proposed for redevelopment consistent with the Master Plan and zoning ordinance.
- e. Failure to Decommission
 - i. If the owner fails to complete decommissioning in accordance with the approved plan, the Township may draw upon the financial guarantee to complete the work.
 - ii. The Township reserves the right to seek recovery of any costs incurred in excess of the financial guarantee collected.

11. Violations: The following are in addition to Section 16.10 Violations

- a. Any of the following shall constitute a violation of this Ordinance:
 - i. Construction, expansion, alteration, or operation of a project in a manner inconsistent with an approved site plan, special land use approval, zoning permit, development agreement, or other Township approval.
 - ii. Failure to comply with any condition imposed as part of a project approval.
 - iii. Exceeding any maximum capacity, intensity, water usage, electrical demand, noise level, lighting limitation, generator operating limitation, occupancy limitation, or other operational standard established by this Ordinance or an approved plan or permit.
 - iv. Failure to install, maintain, operate, or replace any required screening, landscaping, buffering, noise mitigation, stormwater facility, security measure, monitoring equipment, renewable energy system, or other improvement required by this Ordinance or an approval issued pursuant to this Ordinance.
 - v. Failure to submit any report, monitoring data, certification, testing results, documentation, or other information required by this Ordinance or an approval within the time period specified by the Township.
 - vi. Submission of materially false, misleading, or incomplete information to the Township concerning compliance with this Ordinance or an approval issued pursuant to this Ordinance.
 - vii. Failure to maintain records required by this Ordinance or failure to make such records available to the Township upon reasonable request.
 - viii. Failure to permit reasonable inspection of the property or facilities by the Township Zoning Administrator or other authorized Township official when such inspection is authorized by law and reasonably necessary to determine compliance with this Ordinance.
 - ix. Commencing or continuing a use, activity, construction, expansion, or alteration without obtaining all approvals required by this Ordinance.

- x. Any other violation of a requirement established by this Ordinance or by an approval issued pursuant to this Ordinance.
- b. The applicant shall post a performance guarantee in an amount set by the Township Board, such amount to be sufficient to ensure compliance with the conditions of the project. The performance bond shall be used by the Township to investigate any compliance received based on violation to the project conditions.
- c. If the project is found to be in violation of this code in addition to the requirements under the Norvell Township Ordinance 54 Municipal Civil Infractions the following steps may also be taken:
 - Emergency: The Township or any other governmental agency, is authorized, to take immediate action necessary, including requiring the project to be shut down, when a violation presents an imminent threat to public health, safety, welfare, property, or the environment, where such action is otherwise authorized by law.

ARTICLE 9

PARKING AND LOADING

Section 9.1 Off-Street Parking

8. The minimum required off-street parking spaces shall be set forth as follows:

Use	Number of Spaces
HRDF, Data Center, and Power Generation Facilities	Minimum of one (1) parking space for each three (3) employees, based on the maximum number of employees during the largest shift. Maximum of one (1) parking space for each employee, based upon the maximum number of employees during the largest or peak shift.

Section 1. 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 2. Repealer.

Any ordinances or parts of ordinances that conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

Section 3. Effective Date.

This Ordinance takes effect upon the expiration of seven (7) days after its publication pursuant to MCL 125.3401.