

AGENDA

**SPARTA TOWNSHIP
PLANNING COMMISSION
Tuesday, January 13, 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 November 11, 2025, Regular Meeting**
- V. Public Comment (for items on the agenda)**
- VI. Business Items**
 - A. Public Hearing - Accessory Dwelling Unit Regulations**
 - B. Data Center Regulations & Moratorium Amendment Review**
 - C. Review of 2026 Schedule**
 - Tuesday, January 13, 2026
 - Tuesday, February 10, 2026
 - Tuesday, March 10, 2026
 - Tuesday, April 14, 2026
 - Tuesday, May 12, 2026
 - Tuesday, June 9, 2026
 - Tuesday, July 14, 2026
 - Tuesday, August 11, 2026
 - Tuesday, September 8, 2026
 - Tuesday, October 13, 2026
 - Tuesday, November 10, 2026
 - Tuesday, December 8, 2026
- VII. Public Comment (for items on or not on the agenda)**

VIII. Staff and Commissioner Comments

Land Division Act Amendment

IX. Adjournment

Pending: Master Plan Distribution Comments

MINUTES OF THE SPARTA TOWNSHIP PLANNING COMMISSION
Regular Meeting of Tuesday, November 11, 2025, 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 Flahery (9/27), and Ken Humphreys (9/27)

Also Present: Zoning Administrator/Planner Kevin Yeomans of Fresh Coast Planning, Sparta 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 Humphreys, to approve the Agenda as written. Motion carried unanimously.

IV. Minutes of October 14, 2025, Regular Meeting: Motion by Johnson, second by Anderson, to approve the Minutes. Motion carried unanimously.

V. Public Comment (for items on the Agenda): None.

VI. Business Items

A. Peterson Special Land Use Land Division Request—12201 Sparta Ave.—Amendment to Conditions of Approval: Zoning Administrator/Planner Yeomans provided an update from the attorney. He reviewed his Memorandum of October 27, 2025. The following motion was read into record and moved by Driscoll:

Motion to amend condition 2 of the motion made at the August 12, 2025, meeting regarding the Peterson Special Land Use Land Division request,

From: In accordance with Section 154.207(F)(2)(b) of the Sparta Township Zoning Ordinance, the Applicant shall prepare a permanent deed restriction to be placed on the properties involved to effectuate the extinguishment of land split rights with intent to preserve farm buildings.

To: In accordance with Section 154.207(F)(2)(b) of the Sparta Township Zoning Ordinance, all remaining permitted land divisions for new non-agricultural dwelling units shall be extinguished.

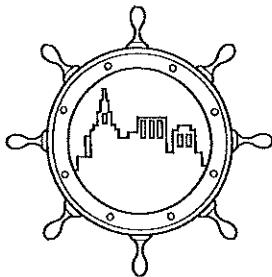
The motion was seconded by Johnson. Motion carried unanimously.

VII. Public Comment (for items on or not on the Agenda): Loren Peterson, Jr., of 12250 Sparta Avenue, appreciated the Planning Commission working with him and his brother. But the problem is that things are not laid out more simply of the things that need to be done. Better streamlining is suggested. It would be helpful. Commissioners Humphreys and Driscoll and Chairperson Hartman pointed out that every situation is unique, so it may not be possible to accommodate Mr. Peterson's specific request; Zoning Administrator/Planner Yeomans is very helpful and accessible; and the Planning Commission's job is to be thorough in their decision making.

VIII. Staff and Commissioner Comments: Zoning Administrator/Planner Yeomans stated the Master Plan was approved by the Township Board. He discussed the next steps. Driscoll stated that people are getting bills from phishing scams through the newspaper to their publicized address. A pending item (Accessory Dwelling Unit Regulations) was under legal review, and Zoning Administrator/Planner Yeomans received minor revisions. He answered questions from the Commissioners regarding Glenwood Trailer Park (no issues), Pride Landscaping (will be open to the public soon), and Camp Lake updates.

IX. Adjournment: Motion by Johnson, second by Humphreys, to adjourn at 7:20 PM. Motion carried unanimously. The next regular meeting of the Sparta Township Planning Commission will be Tuesday, December 9, 2025, at 7 PM.

Respectfully submitted,
—Toni Potes
Recording Secretary



Fresh Coast Planning

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

Gregory L. Ransford, MPA

Kevin Yeomans

Alexis Gukler

Aaron Bigelow

Andrea Goodell

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: 12/10/2025
Re: Accessory Dwelling Units – Public Hearing

Attached are two copies of the proposed Accessory Dwelling Unit amendment last reviewed at your October 14, 2025, meeting. Since the October meeting the amendment has been reviewed by the Township's legal counsel and some minor changes have been proposed.

A public hearing and review of the proposed amendment has been scheduled for your January 13, 2026, meeting.

In the attached document labeled "EDITS" you will see the redlined changes that have been made based on legal counsel's review. In summary, the changes clarify or tighten up the previously proposed, but no major changes have been proposed.

The Planning Commission must review the proposed changes and make a recommendation to the Township Board on whether to adopt the proposed amendment.

Draft Motions

The following draft motions have been prepared for the Planning Commission's consideration

No Changes

Motion to recommend adoption of the proposed accessory dwelling units zoning ordinance text amendment to the Township Board, as written.

Changes

Motion to recommend adoption of the proposed accessory dwelling units zoning ordinance text amendment to the Township Board, with the following changes

1. Any changes identified by the Commission.

Other

If the Planning Commission determines another direction would be appropriate, we can help prepare a motion, if requested.

Kevin Yeomans

Kevin Yeomans
Planner

Attachments

CC: Dale Bergman, Township Supervisor

SPARTA TOWNSHIP
KENT COUNTY, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING
ACCESSORY DWELLING UNITS

THE TOWNSHIP OF SPARTA ORDAINS:

Section 1. Amendment of Section 154.006 of the Sparta Township Zoning Ordinance.

Section 154.006 of the Sparta Township Zoning Ordinance is amended by the addition of the following definition, which shall be inserted in alphabetical order:

ACCESSORY DWELLING UNIT (ADU). A detached residential living unit on the same parcel on which a single-family dwelling is located that provides independent living facilities, including basic requirements for living, sleeping, eating, cooking, and sanitation, for one (1) or more person(s).

Section 2. Renumbering Sections 154.253 through 154.270 of the Sparta Township Zoning Ordinance.

The numbers of Section 154.253 through 154.270 of the Sparta Township Zoning Ordinance shall be increased by 0.001, such that the new numbering will correspond with the chart below:

Title	Old Section Number	New Section Number
EXCEPTIONS TO HEIGHT REGULATIONS	154.253	154.254
EXCEPTIONS TO YARD SETBACK REGULATIONS	154.254	154.255
UNDERGROUND HOMES	154.255	154.256
MOBILE HOMES	154.256	154.257
ANTENNAS	154.257	154.258
LOTS	154.258	154.259
UTILITIES	154.259	154.26
PARKING	154.260	154.261
OUTDOOR FURNACES	154.261	154.262
ANIMALS, LIVESTOCK AND FOWL	154.262	154.263
CHURCHES; DAY CARE AND CHILD CARE CENTERS	154.263	154.264
TRANSITION ZONING	154.264	154.265
LIGHTING, SCREENING AND FENCES	154.265	154.266
AMATEUR RADIO TOWERS	154.266	154.267
MEDICAL MARIJUANA DISPENSARIES AND OTHER FACILITIES	154.267	154.268

MISCELLANEOUS USES	154.268	154.269
MINING; NATURAL RESOURCES	154.269	154.27
BED AND BREAKFAST ESTABLISHMENTS	154.270	154.271

Section 3. Revision of Internal References.

Any internal references within the Sparta Township Zoning Ordinance to the sections renumbered in Section 2 above shall be revised to reflect the new section numbers as indicated in the chart. This includes, but is not limited to, cross-references found in other sections of the Zoning Ordinance, tables of contents, indexes, appendices, and any other citations or references that rely on the previous numbering.

Section 4. Addition of a New Section 154.253 to the Sparta Township Zoning Ordinance.

The Sparta Township Zoning Ordinance is amended by the addition of a new Section 154.253, which reads in its entirety as follows:

§ 154.253 ACCESSORY DWELLING UNITS

Accessory Dwelling Units (ADUs) are intended to provide flexible, long-term living quarters for extended family or non-family members. ADUs are subject to the following regulations.

- (A) An ADU shall be detached from the principal dwelling.
- (B) ADUs shall be permitted in all districts where single-family dwellings are permitted by right or by special land use.
- (C) ADUs shall only be permitted as an accessory use to a single-family dwelling.
- (D) The property owner shall maintain residence on the property, either in the principal dwelling or the ADU.
- (E) ADUs shall have their own separate entrances, kitchens, sleeping areas, and full bathroom facilities.
- (F) ADUs shall only be located in the rear yard.
- (G) The dwelling area of an ADU shall meet all setback requirements applicable to the principal dwelling. For the purposes of this Section, "dwelling area" means the portion of a structure used for habitation, including sleeping, cooking, and sanitation facilities.
- (H) ADUs shall meet all applicable building, safety, and fire codes.

- (I) ADUs shall be connected to a sewage disposal system and water supply system approved by the County Health Department. Proof of Health Department approval must be provided prior to the issuance of a building permit.
- (J) Exterior building materials and designs shall be of similar style and character as that of the principal dwelling.
- (K) An ADU shall have a minimum Floor Area of 300 square feet.
- (L) An ADU shall have a maximum Floor Area of 850 square feet.
- (M) ADU side wall height, as measured from the existing grade to the bearing point of the roof truss, shall not exceed sixteen (16) feet.
- (N) No more than two persons shall reside in an ADU.
- (O) ADUs shall count toward the maximum number and square footage for Accessory Buildings.
- (P) ADUs may be erected as an integral part of a permitted Accessory Building.
- (Q) Mobile Homes, recreational vehicles, and temporary structures shall not be used as an ADU.
- (R) An ADU shall not be utilized as a Motel, Hotel, Motor Hotel, Boarding House, Lodging House, Rooming House, or Bed and Breakfast.

Section 5. Severability.

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity of all other sections of this Ordinance.

Section 6. Repealer.

This Ordinance expressly repeals all other Township ordinances and parts of ordinances in conflict with this Ordinance.

Section 7. Effective Date.

This Ordinance takes effect seven (7) days after publication of this Ordinance or of a summary of it as permitted by law.

ADOPTED.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF KENT)

Clerk's Certification

I, the undersigned, the duly qualified and acting Clerk of the Township of Sparta, Kent County, Michigan, certify that the above Ordinance was adopted at a regular meeting of the Sparta Township Board on the _____ day of _____, 2025, by a majority of the members of the board members present and voting.

Marcy Savage
Sparta Township Clerk

89716:00001:202123352-1

**SPARTA TOWNSHIP
KENT COUNTY, MICHIGAN**

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- (E) ADUs shall have their own separate entrances, kitchens, sleeping areas, and full bathroom facilities.
- (F) ADUs shall only be located in the rear yard.
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- (H) ADUs shall meet all applicable building, safety, and fire codes.

- (I) ADUs shall be connected to a sewage disposal system and water supply system approved by the County Health Department. Proof of Health Department approval must be provided prior to the issuance of a building permit.
- (J) Exterior building materials and designs used on detached ADUs shall be of similar style and character as that of the principal dwelling.
- (K) An ADU shall have a minimum Floor Area of 300 square feet.
- (L) An ADU shall have a maximum Floor Area of 850 square feet.
- (L)(M) ADU side wall height, as measured from the existing grade to the bearing point of the roof truss, shall not exceed sixteen (16) feet.
- (M)(N) No more than two persons shall reside in an ADU.
- (N)(O) ADUs shall count toward the maximum number and square footage for Accessory Buildings.
- (O)(P) ADUs may be erected as an integral part of a permitted Accessory Building.
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- (Q)(R) An ADU shall not be utilized as a Motel, Hotel, Motor Hotel, Boarding House, Lodging House, Rooming House, or Bed and Breakfast.

Section 5. Severability.

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity of all other sections of this Ordinance.

Section 6. Repealer.

This Ordinance expressly repeals all other Township ordinances and parts of ordinances in conflict with this Ordinance.

Section 7. Effective Date.

This Ordinance takes effect seven (7) days after publication of this Ordinance or of a summary of it as permitted by law.

ADOPTED.

YEAS: _____

NAYS: _____

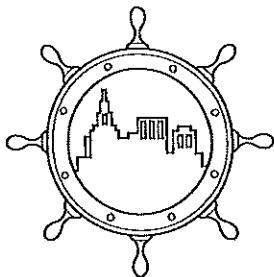
STATE OF MICHIGAN)
) ss
COUNTY OF KENT)

Clerk's Certification

I, the undersigned, the duly qualified and acting Clerk of the Township of Sparta, Kent County, Michigan, certify that the above Ordinance was adopted at a regular meeting of the Sparta Township Board on the _____ day of _____, 2025, by a majority of the members of the board members present and voting.

Marcy Savage
Sparta Township Clerk

89716:00001:202123352-1



Fresh Coast Planning

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Grand Haven, MI 49417
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Gregory L. Ransford, MPA
Planning Director

Kevin Yeomans
Planning Manager

Alexis Gukler
Planning Intern

Aaron Bigelow
Planning Intern

Andrea Goodell
Planning Intern

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: 12/23/2025
Re: Data Center Regulations and Moratorium Amendment

Data Centers

As you may be aware, the Sparta Township Board has initiated an amendment to the zoning ordinance in regard to Data Center regulations. Attached to this memorandum are three reports regarding the potential impact of data centers:

1. What Happens When Data Centers Come to Town? Terry Nguyen and Ben Green, *Ford School of Science, Technology, and Public Policy*
2. Preliminary Toolkit for Municipal Data Center Planning in Washtenaw County, *Washtenaw County Resiliency Office*
3. A Finite Resource: Managing the Growing Water Needs of Data Centers, Critical Minerals Mining, and Agriculture in the Great Lakes Region. *Alliance for the Great Lakes*

Also attached is a draft text amendment from the Township's Legal Counsel, with our edits redlined. As well as sample data center regulations from the following communities:

1. Berlin Charter Township, MI
2. Fairfax County, VA
3. Lancaster City, VA

From our review of the materials provided, the major concerns with Data Centers appear to be power usage, water usage, visual impact, emergency preparedness, and decommissioning. As the Planning Commission reviews the draft from Legal Counsel, you should also consider whether you want to include regulations for the following:

- A. Minimum Lot Area
- B. Increased Setbacks
- C. Screening/Greenbelts
- D. Noise
- E. Architectural Standards
- F. Other Standards as identified by the Planning Commission.

Moratorium Amendment

From time to time, whether through advances in technology or new trends, communities are presented with new or changing uses that are not regulated by a zoning ordinance or because of new developments, current regulations do not fully protect the health, safety, and general welfare.

In the past couple of years, the Township has encountered this with renewable energy, particularly solar energy, retail greenhouses, home occupations, accessory dwelling units, and other uses. In some cases, a community finds it appropriate to put a moratorium in place.

Under current zoning regulations, enacting a moratorium can be a months long process in itself. Based on this, the pace of technological advances and evolving trends, Legal Counsel has recommended amending the Sparta Township Zoning Ordinance, so that if necessary, a moratorium can be put in place by resolution of the Township Board. This will expedite the process and reduce the cost and time necessary to enact a moratorium in the future.

The Township Board may consider placing a moratorium on data centers to give the Township time to carefully consider the regulations necessary for a data center.

Kevin Yeomans

Kevin Yeomans
Planner

Attachments

CC: Dale Bergman, Township Supervisor

SPARTA TOWNSHIP

ORDINANCE NO.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING MORATORIUMS

The Township of Sparta ordains:

Section 1. Addition of New Section ~~154.430~~ 154.430 to the Zoning Ordinance.

A new Section ~~154.430~~ 154.430 is added to Chapter 154 of the Sparta Township Code and reads in its entirety as follows:

Section ~~154.430~~ 154.430 – Moratorium by Resolution

- A. The Township Board may, by resolution, impose a temporary moratorium on the review or issuance of any applications, permits, rezonings, licenses, or approvals for existing, new, or emerging land uses in the Township if the Township Board determines that a temporary moratorium is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to address land uses that may impact the health, safety, or welfare of Township residents or property. A temporary moratorium may also be imposed by the Township Board upon the recommendation of the Planning Commission when the Planning Commission determines that a moratorium is needed to allow it sufficient time to review and recommend amendments to the master plan or zoning ordinance concerning existing, new, or emerging land uses that may adversely affect the health, safety, or welfare of Township residents or property.
- B. The resolution must state the purpose of the moratorium and include findings of the Township Board or Planning Commission in support of the moratorium and why the Township Board has determined that the temporary moratorium is necessary and in the best interest of the public health, safety, or welfare.
- C. Any resolution adopted pursuant to this Section must specify the length of the initial moratorium which shall not exceed twelve (12) months. In addition to the initial moratorium, the Township Board may extend the temporary moratorium if the Township Board determines that more time is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to regulate land uses. Any extension shall not exceed six (6) additional months.
- D. Notice of the resolution must be published within seven (7) days of its adoption. The notice must include the following:
 1. A summary of the resolution's effect.
 2. The length of the moratorium and whether an extension is possible.
 3. Where the public may inspect the resolution enacting the moratorium.

Section 2. 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 3. 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 4. Effective Date.

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

89716:00001:202258617-1

NEW SECTION 18-181 – DATA CENTERS**Section 18-181 Data Centers**

A. **Purpose and Intent.** The purpose of this ordinance is to establish a clear and thoughtful regulatory framework for data centers. These regulations are intended to guide the placement and design of data centers to balance local economic growth with the protection of community interests and resources. This is achieved by:

1. Directing data centers to areas with appropriate infrastructure and minimal impact on surrounding properties.
2. Minimizing adverse effects on residents and adjacent communities, including managing noise from mechanical equipment and generators.
3. Ensuring the efficient use of public utilities, such as water and electricity.
4. Promoting a high standard of architectural design and effective visual screening to ensure compatibility with the surrounding context.
5. Establishing clear expectations for developers to encourage efficient and well-designed development. Establish reasonable standards for the siting, design, and operation of data centers.
6. Ensuring compatibility with adjacent land uses and the Township's Master Plan.

B. **Applicability.** Section 18-181 applies to Data Center uses. Prior to a formal submittal, applicants must request a predevelopment meeting with Township Officials, including the planning consultant, engineering consultant, and Township Attorney. At the time of submission, applicants must submit materials including a site plan that contain any information necessary to evaluate conformance with all requirements of this section. Special land use and site plan approval is contingent upon the applicant demonstrating conformance to the requirements of this ordinance and other standards of the zoning ordinance.

C. **Use Standards.**

1. **Lot and Building Requirements.**
 - a. Minimum Lot Area:
 - i. Large-scale: 10 acres
 - ii. Small-scale: 2 acres
 - b. Maximum Building Height: 45 feet; 3 stories
 - c. Maximum Lot Coverage: 60% (impervious surface)
 - d. Setbacks:
 - i. Large-scale: minimum 200 feet from all property lines.

- ii. Small-scale and accessory: minimum of 50 feet from all property lines.

2. Screening and Landscaping.

- a. Mechanical equipment (including HVAC, generators, transformers, and cooling towers) shall be fully screened by masonry walls, architectural panels, or evergreen landscaping.
- b. A minimum 25-foot greenbelt shall be provided along all property lines.

3. Noise and Vibration.

- a. Backup generators and cooling equipment shall not exceed 65 dBA at the property line, except during emergency operation.
- b. Routine generator testing shall occur only between 8:00a.m. and 6:00 p.m. on weekdays.

D. Building Massing, Façade Requirements, and Material Requirements.

1. Massing and Scale.

- a. Building mass, height, bulk, scale, and proportion shall maintain consistency with the existing character of the adjacent buildings.
- b. Building design should employ coordinated massing to produce overall unity, scale, and interest.
- c. Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale.

2. Architectural Design and Building Materials.

- a. **Façade Variation.** Wall designs must provide minimum of three of the following elements, in addition to transparency requirements, occurring at intervals no greater than 25 feet horizontally and 10 feet vertically:
 - i. Expression of structural system and infill panels through change in plane not less than three inches.
 - ii. System of horizontal and vertical scaling elements, such as belt course, string courses, cornice, pilasters.
 - iii. System of horizontal and vertical reveals not less than one inch in width/depth.
 - iv. Variations in materials module, pattern, and/or color.
 - v. System of integrated architectural ornamentation.
 - vi. Green screen or planter walls.
 - vii. Translucent, fritted, patterned, or colored glazing.

viii. Transparency as required in Section 18-181.D.2.b.

b. **Transparency.**

- i. To ensure façade variation, the use of windows and doors is required. The first floor of any façade facing a right-of-way shall be no less than 20% clear windows and doors, and the minimum transparency for facades facing a side yard, or parking area shall be no less than 15% of the façade. Ground story transparency is measured between two and eight feet above the ground story elevation. The transparency requirement shall be measured and applied to each separate unit, address or space. Visibility through the required transparency must portray the principal use of the operation and shall not portray secondary or back of house operation areas, including, but not limited to, laundry, cleaning supply, stock or storage areas.
- ii. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.
- iii. Transparency Alternatives. The following alternatives may be used singularly or in combination for any side or rear facing façade which requires transparency. If used in combination, they may count toward no more than 50% of the transparency requirement set forth in Section 18-181.D.2.b.
- iv. Architectural style shall not be restricted. Rather, evaluation of the appearance of a project shall be based upon compatibility and the quality of its design and relationship to surroundings.
- v. Buildings within the same development shall be designed to provide a unified and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, and colors.
- vi. Minimize monotony of expansive exterior walls by incorporating the following elements: staggering vertical walls; recessing openings; providing upper-level roof overhangs; using deep score lines at construction joints; contrasting compatible building materials; use of variety and rhythm of window and door openings; use of horizontal and vertical elements; use of horizontal bands of compatible colors; and providing changes in roof shape or roofline.
- vii. Facades shall provide visual interest from both vehicular and pedestrian viewpoints.

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

c. Material Standards.

- i. Durable building materials, simple configurations, and solid craftsmanship are required. At least 75% of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Vinyl or aluminum siding shall only be used for accents. Exterior Insulation Finishing Systems (E.I.F.S.) or similar material is not permitted as a primary building material.
- ii. Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.
- iii. Material selection shall be consistent with architectural style in terms of color, shades, and texture; however, monotony shall be avoided.
- iv. Materials shall be consistent with adjoining buildings.
- v. Buildings shall have the same materials or those that are architecturally compatible, for construction of all building walls and other exterior building components wholly or partly visible from public ways and public parking lots.
- vi. If any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

d. Transitional Features.

- i. Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher-intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between these uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.
- ii. A continuum of use intensity , where moderate-intensity uses are sited between high-intensity uses and low-intensity uses, shall be developed for multibuilding developments. An example would be an office use between commercial and residential uses.

- iii. Building height and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher-intensity uses are comparable in scale with adjacent structures of lower-intensity uses.
- iv. Similarly sized and patterned architectural features, such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

E. **Parking Requirements.** Due to the building scale of data centers, parking requirements shall be based on the number of permanent employees housed at the facility. One (1) parking space is required for each employee with a maximum of twenty (20) additional spaces for guests. The Planning Commission may permit deviations from this requirement in accordance with Section 18.246.B.8.

F. **Sustainability and Energy Use Requirements.**

- 1. **Infrastructure Impact Statement.** Applicants shall submit an Infrastructure Impact Statement at the time of site plan review, which must identify:
 - a. Utility Capacity Impact Statement from DTE/ITC confirming service adequacy.
 - b. Anticipated electric power demand (MW).
 - c. Anticipated water usage for cooling and other operations (gallons per day).
 - d. Waste heat recovery, reuse, or discharge methods.
 - e. Planned on-site backup generation capacity (MW) and associated fuel type(s).
- 2. **Energy Efficiency.**
 - a. Data Centers must be designed to achieve a Power Usage Effectiveness (PUE) of 1.3 or lower or provide documentation demonstrating the highest level of efficiency reasonably achievable based on site-specific constraints.
 - b. Facilities shall incorporate best practices for energy conservation, including but not limited to high-efficiency HVAC systems, waste heat reuse, variable-speed drives, and hot/cold aisle containment.
 - c. Applicant shall provide an operations report detailing anticipated power demand and redundancy systems.
 - d. Applicant shall provide a heat recovery or reuse feasibility analysis (waste heat for district energy).

3. Renewable Energy Integration.

- a. Applicants are encouraged to incorporate on-site renewable energy generation (e.g., solar, wind, geothermal) or to procure renewable energy from off-site sources.
- b. At least 25% of projected annual energy demand shall be demonstrated to be met through renewable energy sources, whether on-site or through power purchase agreements, renewable energy credits, or utility green-power programs.

4. Water Conservation.

- a. Cooling systems shall be designed to minimize potable water use, with preference from air-cooled, hybrid, or closed-loop water systems.
- b. Facilities using water-based cooling must demonstrate the use of recycled, reclaimed, or non-potable water sources to the maximum extent possible.

5. Green Building Practices.

- a. New data center structures shall be designed to achieve LEED Silver certification or an equivalent third-party sustainability certification or provide documentation of equivalent performance standards.
- b. The Planning Commission may approve alternative documentation demonstrating substantially similar environmental performance.

6. Air Quality.

- a. All generators, cooling systems, and other emission sources shall comply with Federal Clean Air Act requirements and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) air quality rules.
- b. Facilities shall obtain and maintain any required air use permit to install (PTI) or other approvals from EGLE for stationary engines, cooling towers, or fuel storage.
- c. Generator emissions.
 - i. Generators shall meet or exceed current EPA Tier 4 Final emissions standards.
 - ii. Dispersion modeling may be required if a facility is within 500 feet of a residential district, school, park, or hospital.
- d. Cooling towers shall include drift eliminators and be managed to prevent particulate emissions or microbial contamination.
- e. Routine generator testing shall occur only between 8:00a.m. and 6:00 p.m. on weekdays.

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

7. Ongoing Reporting.

- a. Owners and operators shall provide an annual sustainability report to the Township, including:
 - i. Actual annual energy consumption (MWh).
 - ii. Actual annual water usage (gallons).
 - iii. Actual water discharge (gallons).
 - iv. Progress toward renewable energy targets.
 - v. Documentation of any energy efficiency, cooling system upgrades, and security upgrades.
 - vi. Identification of greenhouse gas emissions or carbon intensity of energy consumed.
- b. The Township may hire consultants to review energy efficiency, water consumption usage, air quality review, renewable energy implementation, and green building practices.

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

1. Perimeter Security.

- a. Data centers shall be fully enclosed with a perimeter security system, which shall include fencing, walls, or equivalent barriers not less than eight feet in height or such other systems approved by the Planning Commission.
- b. Security barriers shall be designed to balance safety with community character; opaque fencing must be screened with landscaping where visible from public roads or residential areas.

2. Controlled Access.

- a. All site entrances shall include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.
- b. Visitor and delivery access points must be separated from employee access points wherever feasible.

3. Emergency Access.

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

- b. Access drives shall be constructed to fire development standards, with sufficient load-bearing capacity for emergency apparatus.
- c. Fire lanes shall be maintained free of obstruction at all times.

4. **Camera Surveillance.**

- a. Data centers shall install and maintain a perimeter camera surveillance system capable of monitoring all vehicular and pedestrian access points, building entrances, and outdoor mechanical/equipment areas.
- b. Cameras shall be positioned to minimize intrusion into adjoining residential properties and public rights-of-way, while still providing full coverage of the site.
- c. Camera systems shall be continuously operational (24 hours per day, 7 days per week) and recordings shall be retained for a minimum of 30 days.
- d. A security plan, including camera layout, monitoring procedures, and data retention policies, shall be submitted as part of site plan review.

5. **Fire Protection and Suppression.**

- a. Data centers shall be equipped with an automatic fire detection and suppression system designed to protect both building occupants and sensitive equipment.
- b. Suppression systems shall comply with National Fire Protection Association (NFPA) standards and be approved by the Fire Marshal.

6. **Hazardous Materials Management.**

- a. Any use of hazardous materials (including fuels for backup generators, batteries, and chemicals for cooling systems) shall comply with federal, state, and local storage, reporting, and disposal requirements.
- b. Applicant shall provide a Hazardous Materials Management Plan identifying on-site materials, storage methods, spill prevention measures, and emergency response procedures.
- c. Applicant shall provide fire protection plan.

7. **Emergency Response Coordination.**

- a. Applicant shall submit an Emergency Response Plan to the Township at the time of site plan review, which must include:
 - i. Site layout for emergency responders.
 - ii. Fire suppression and alarm systems description.
 - iii. Backup generator location and fuel storage details.

- iv. Contact information for on-site security and facility management.
- b. Operators shall provide annual training opportunities or site orientations to local fire, police, and emergency medical services.

8. **Lighting and Surveillance.**

- a. Security lighting shall comply with Section 18-265, Lighting and shall be directed downward and shielded to minimize glare and off-site impacts.
- b. Facilities shall incorporate continuous video surveillance of access points, perimeter fencing, and locating areas, with recordings maintained for a minimum of 30 days.

H. **Decommissioning.** As a condition of site plan and special use approval, the applicant shall submit Decommissioning and Site Restorage Plan that addresses:

1. **Triggers for Decommissioning.**
 - a. A data center 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.
 - b. Decommissioning must begin within 6 months of abandonment and be completed within 12 months.
2. **Performance Guarantee / Financial Assurance.**
 - a. Prior to issuance of a building permit, the applicant shall post a financial guarantee in the form of a letter of credit, bond, or escrow account acceptable to the Township.
 - b. The amount shall equal 125% of the estimated decommissioning cost, as determined by a qualified engineer and approved by the Township.
 - c. Estimates must be updated every 5 years and adjusted for inflation.
3. **Removal Standards.**
 - a. All above-ground structures, including buildings, mechanical equipment, cooling towers, security fencing, and pavement not otherwise serving a reuse, shall be removed.
 - b. Below-ground infrastructure, such as foundations and utilities, shall be removed to a minimum depth of 36 inches below grade unless otherwise approved.
 - c. Materials shall be recycled to the maximum extent practicable.
4. **Site Restoration.**

- a. The site shall be restored with topsoil, seeded or planted with native vegetation and stabilized to prevent erosion.
- b. The Township may approve alternate restorage plants if the site is proposed for redevelopment consistent with the Master Plan and zoning ordinance.

5. Failure to Decommission.

- a. If the owner fails to complete decommissioning in accordance with the approved plan, the Township may draw upon the financial guarantee to complete the work.
- b. Any costs exceeding the financial guarantee shall remain the responsibility of the property owner.

MODIFICATION TO OTHER ORDINANCE SECTIONS

Section 18-22, Definitions (NEW)

Data Center: A facility primarily used to house computer systems and associated components, including servers, telecommunications, storage systems backup power supplies, redundant data communications connections, and environmental controls.

Data Center, Accessory: Accessory use to hospitals, universities, or large institutions, provided floor area is under 10,000 square feet.

Data Center, Large-Scale: A data center facility exceeding 25,000 square feet of gross floor area or a site exceeding 10 acres.

Data Center, Small-Scale: A data center facility less than 25,000 square feet, often serving local or regional networks.

Section 18-68, District Use Table

- Allow small-scale and large-scale data centers as a special land use in the Industrial zoning district, prohibited in all other districts.
- Allow accessory data centers as an accessory use to an approved permitted use in the Industrial, Commercial and Mixed-Use districts.

FILE OF THE CITY CLERK

ADMINISTRATIVE ORDINANCE NO. - 2025

ADMINISTRATION BILL - NO. - 2025

INTRODUCED - , 2025

ADOPTED BY COUNCIL - , 2025

AN ORDINANCE OF THE LANCASTER CITY COUNCIL AMENDING CHAPTER 300 OF THE CODE OF THE CITY OF LANCASTER—ZONING TO RECOGNIZE COMPUTER DATA CENTERS AS A USE REQUIRING SPECIAL REGULATION; PROVIDING DEFINITIONS; ALLOWING DATA CENTERS BY SPECIAL EXCEPTION IN THE CM AND SM ZONES, ESTABLISHING PERFORMANCE STANDARDS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE

WHEREAS, the City of Lancaster is committed to protecting the health, safety, and welfare of its residents through thoughtful and responsible land use regulation; and

WHEREAS, the City of Lancaster’s Comprehensive Plan (2023) outlines guiding principles that represent Lancaster’s vision for the betterment of its economy, environment, and quality of life for all its residents; and

WHEREAS, the Comprehensive Plan calls for updating city codes and ordinances to align with adopted policies, actions, and maps; and

WHEREAS, the City of Lancaster is undertaking such updates, including revisions to the zoning ordinance, subdivision and land development ordinance (SALDO), and official map; and

WHEREAS, in the interim, there is a need to regulate a new land use not expressly contemplated in the city’s existing zoning regulations, namely data centers; and

WHEREAS, data centers warrant special consideration related to energy and water utilization as well as noise and air pollution; and

WHEREAS, the City seeks to establish interim regulations for data centers in advance of further updates to zoning, SALDO, and the official map;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lancaster that the City of Lancaster Code Chapter 300—Zoning shall be amended as follows:

SECTION 1. Amendment to Chapter 300, Article XVII, Section 83, Definitions.

The Code of the City of Lancaster Chapter 300—Zoning, Section 83, Definitions, is hereby amended to include the following definitions:

DATA CENTER: A facility whose primary purpose is the centralized storage, processing, management, or dissemination of digital data, information, or applications. This includes but is not limited to server farms, cloud computing hubs, colocation centers, and telecommunication switching hubs. Data centers typically house large-scale computer systems and supporting infrastructure such as backup generators, cooling systems, and uninterruptible power supplies. A data center generally includes environmental controls such as air conditioning and fire suppression, redundant/backup power supplies, redundant data communications connections and high security.

SECTION 2. Amendment to Attachment 2: Table of Permitted Uses.

Attachment 2 is hereby amended insofar as it references the “Manufacturing and Industrial” section of Attachment 2, insert the following uses as special exceptions:

Use	MU	CB1	CB	C3	CM	SM
Data Center	—	—	—	---	S	S

SECTION 3. Amendment to Article VII: Supplementary District Regulations.

There shall be enacted a new Section, 300-40.1, Data Centers

All data centers shall comply with the following:

A. Noise

(1) A Noise Mitigation Plan shall be submitted with the zoning application, including, at a minimum, a detailed acoustic study showing the amount of noise to be produced by normal operations and strategies to minimize noise and achieve a neutral impact on the surrounding community.

(2) There shall be no “noise disturbance” as that term is defined in the City’s Lancaster Noise Control Ordinance, at any adjoining property lines. The Plan must be prepared and certified by a professional acoustical engineer. The Plan shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended plans based upon comments by the professional staff of the City prior to any zoning approval.

B. Air Quality

(1) Backup power equipment shall minimize air pollutant emissions and meet or exceed applicable state and federal laws regulating emissions. In the case that backup generators are used, EPA Tier 4 emissions standards, or equivalent, must be achieved.

(2) Annual testing shall be performed, and reports shall be provided to the City and other relevant state and federal agencies to ensure that data center equipment is performing as designed and emissions from the data center do not exceed allowable limits.

C. Energy Use

(1) Data centers shall make good faith efforts to maximize use of renewable and/or clean energy for all electrical and cooling needs, either through on-site generation or verifiable power purchase agreements (PPAs).

(2) An Energy Management Plan shall be submitted with the zoning application detailing at a minimum, annual electricity demand, what supply sources will be utilized, energy storage capacity (if applicable) and efforts made to maximize use of renewable or clean energy. The Plan will be prepared and certified by a professional engineer. The Energy Management Plan shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended plans based upon comments by the City prior to any zoning approval.

D. Water Utilization

(1) A Water Utilization Report shall be submitted with the zoning application detailing, at a minimum the total daily intake volume and source(s) of that water, discharge volumes and destinations, cooling system type and efficiency, and shall demonstrate compliance with the city's stormwater ordinances and regulations. The Report shall be prepared and certified by a professional engineer. The Report shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended reports based upon comments by the City prior to any zoning approval.

E. Electronic Waste

(1) An Electronic Waste Plan shall be submitted with the zoning application outlining procedures for safe removal and recycling or disposal of server infrastructure, hazardous materials, batteries, electronic waste, and related products, which will apply in cases when the data center is updated or decommissioned. The Report shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended reports based upon comments by the City prior to any zoning approval.

F. Heat Mitigation

(1) A Thermal Impact Mitigation Plan shall be submitted with the zoning application, including, at a minimum, strategies for waste heat reuse or dissipation and vegetative or green roof and/or site design to offset urban heat island effects. The Plan will be prepared and certified by a professional engineer. The Thermal Impact Mitigation Plan shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended plans based upon comments by the City prior to any zoning approval.

G. Floodplain Exclusion

(1) No data center shall be located within any 100-year or 500-year floodplain as shown in the most recent Flood Insurance Map Rate Maps prepared by the Federal Emergency Management Agency for the City.

H. Parking Requirements

(1) Parking facilities shall comply with Article VIII Off-Street Parking and Loading Requirements.

(2) Efforts shall be made to build only the necessary amount of parking for data center operations and to minimize the amount of impervious parking surface.

I. Setbacks

(1) All Data Center buildings shall be set back a minimum of 200 feet from the lot line of a property used for residential or community purposes and 200 feet from any residentially zoned district or PO District.

(2) Ground mounted equipment used for cooling, ventilation, heat or power shall be set back a minimum of 300 feet from the lot line of any property used for residential or community purposes and a minimum of 300 feet from any residentially zoned district or PO District.

J. Fencing

(1) Fences shall be constructed of good quality and visually appealing materials such as ornamental steel or other durable security-grade materials. Features such as barbed wire and razor wire are prohibited.

K. Buffer Yards

(1) All Data Center operations shall provide buffer yards along all property boundary lines, except for areas of ingress and egress into the site.

(2) A minimum 100-foot-wide buffer yard shall be provided along the entire length of any public street frontage of any property and along any property line which abuts property used for residential or community purposes or zoned residential or PO District.

(3) A minimum 50-foot-wide buffer yard shall be provided along any property line adjacent to a non-residential use or zone.

(4) No improvements other than essential utilities shall cross the buffer. If a utility must do so, it shall be by the minimum traversal distance and then only if every precaution is used to replace any lost visual screen with a screen wall or comparable feature.

(5) Buffer yards shall be composed of a combination of landscaping and screening techniques. A holistic landscape plan prepared by a professional landscape architect is required.

- (a) Use of existing vegetation in buffer yards is strongly encouraged and may be substituted for new plantings if approved by the City.
- (b) Earthen berms, with no grade steeper than 3:1 shall be planted on the top and along exterior slopes.

L. Screening

- (1) Screening shall be provided to reduce the noise output and visual impact of any facilities and equipment necessary for cooling, ventilating or operating the facility, including but not limited to power generators, accessory electrical substations, or other power supply equipment.
- (2) Ground-mounted facilities and equipment shall be fully enclosed when technically feasible. If full enclosure is deemed infeasible by the City, the equipment must be screened by a visually solid barrier such as a wall, fence, building and/or natural materials that absorb noise and protect neighboring properties from noise pollution.
- (3) Rooftop facilities equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides. Rooftop equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.

M. Safety

- (1) A detailed Emergency Response Plan shall be submitted with the zoning application, showing at a minimum that the data center has a plan in effect to deal with emergencies resulting from flood, fire, explosion, and catastrophic weather events. The Emergency Response Plan shall be subject to review and comment by the City. The City shall have the right to require supplemental or amended plans based upon comments by the City prior to any zoning approval.
- (2) Battery storage systems must meet fire suppression standards, be UL-certified, and follow hazardous material handling protocols.

N. Community Engagement

The developer of the data center shall hold a public informational meeting prior to any Zoning Hearing Board or Planning Commission review. The meeting shall be publicized and conducted in a manner reasonably calculated to inform the general public of the data center application and will be attended by representatives of the data center with knowledge of the general nature of the proposed use. The applicant may, but is not required to, allow persons who are unable to attend the meeting to view the proceedings via a remote electronic open meeting platform.

SECTION 4. Section 330-41.A.

Parking Requirements, Use Classification, Manufacturing or Industrial Establishment, Required Parking shall be amended to read:

“1 for each 3 employees, computed on the basis of the estimated maximum number of employees on duty at any one time, but not less than 1 per 3,000 square feet of gross floor area; provided, however, that data centers shall be required to provide parking solely based on the number of employees and not upon gross floor area, plus five spaces for visitors.”

SECTION 5. Severability.

In the event any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and remain in full force and effect.

SECTION 6. Repealer.

All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 7. Effective Date.

This Ordinance shall become effective twenty days after its adoption.

DULY ORDAINED AND ENACTED this ____ day of _____, 2025, by the Council of the City of Lancaster, Lancaster County, Pennsylvania in lawful session duly assembled.

CITY OF LANCASTER

By: _____

Danene Sorace, Mayor

ATTEST:

Bernard W. Harris, Jr.

City Clerk

**ZO 112.1-2024-9
ZO 112.2-2024-8**

*ADOPTION OF AN AMENDMENT TO CHAPTERS 112.1 and 112.2
(ZONING)
OF THE 1976 CODE OF THE COUNTY OF
FAIRFAX, VIRGINIA*

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, September 10, 2024, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapters 112.1 and 112.2 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:

***BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:***

Amend Chapters 112.1 and 112.2 (Zoning Ordinance), as follows

In Table 4101.1, revise the permissions for Data Center from P to P or SE in I-4, I-5, I-6. In Table 4101.2, remove the permission for a data center in the PRC District, and change the PDC and PTC permissions to SE.

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts												Commercial Districts						Industrial Districts				Use-Specific Standards NOTE: General Standards also apply					
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6
Industrial Uses																												
Freight Movement, Warehousing, and Wholesale Distribution: uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.																												
Data Center															P SE	P SE							P SE	P SE	P SE	P SE	P SE	4102.6.A

4. Use Table for Planned Development Districts

TABLE 4101.2: Use Table for Planned Development Districts

✓ = permitted if shown on final development plan/PRC development plan and PRC plan;

✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)

SE = special exception; SP = special permit; blank cell = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use;

AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC		PCC		Use-Specific Standards NOTE: General Standards also apply	
	Principal	Secondary	Residential	Neighborhood Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary	Principal	Secondary	Principal	Secondary		
Industrial Uses																	
Freight Movement, Warehousing, and Wholesale Distribution: uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.																	
Data Center										SE			SE			4102.6.A	

Revise the data center standards in subsection 4102.6.A as shown below.

6. Industrial Uses

Freight Movement, Warehousing, and Wholesale Distribution

A. Data Center

Standards applicable to all data centers:

- (1) To provide visual screening and reduce noise levels, any equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment, must be fully enclosed, except where determined by the Director not to be mechanically feasible based on the manufacturer specifications. If the Director determines it is not mechanically feasible to fully enclose the equipment, it must be screened by a wall or similar barrier. In addition, any equipment as referenced above that is located on the ground and any accessory electrical substation must be screened from view from abutting lots and from rights-of-way by a visually solid wall or a building. This standard does not apply to solar panels.
- (2) In the C-3 and C-4 Districts, the maximum building size is 40,000 square feet of gross floor area. However, this size limit may be exceeded with special exception approval in accordance with subsection 8100.3.
- (3) In the I-2, I-3, and I-4 Districts, the maximum building size is 80,000 square feet of gross floor area. However, this size limit may be exceeded with special exception approval in accordance with subsection 8100.3.
- (4) **Minimum Distance from Residential**
 - (a) Any data center building must be located at least 200 feet from the lot line of an R district or a property developed with a residential use.
 - (b) If located on the ground, any equipment for cooling, ventilating, or otherwise operating the facility, including any power generator or other power supply equipment, must be either:
 1. Located at least 300 feet from the lot line of an R district or a property developed with a residential use; or
 2. Separated from the lot line of an R district or a property developed with a residential use by the principal data center building.
 - (c) Lesser distances may be allowed with special exception approval in accordance with subsection 8100.3.
 - (d) For the purpose of this provision, an R district does not include an area within a public street right-of-way.
- (5) A data center building must be located at least one mile from a Metro station entrance. A lesser distance may be allowed with special exception approval in accordance with subsection 8100.3.
- (6) Prior to site plan approval, a noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code. In addition, prior to issuance of a

Nonresidential Use Permit, a post-construction noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation complies with the Noise Ordinance.

Standards when permitted by right:

- (7) A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.
- (8) All building façades must include:
 - (a) A change in the façade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and
 - (b) Windows, doors, or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the façade and comprise a minimum of 30 percent of the individual façade.

Standards when permitted by development plan or special exception:

- (9) A data center building must be designed to minimize adverse visual impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, or sight line studies. The building should have a high-quality design as evidenced by the use of materials, color, and texture. If the building is located less than 200 feet from an R district or a property developed with a residential use, it should include changes in building height or other design techniques to provide variation in building mass as viewed from the nearby residential district.

Add rezoning and special exception submission requirements for a data center. Rerun as needed.

8101. Submission Requirements

2. Zoning Map Amendments (Rezonings)

E. Supporting Reports and Studies

The following additional information must be submitted:

(12) Data Center

For a rezoning to allow a data center, the application requires the following additional information:

- (a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.
- (b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

3. Special Exceptions, Special Permits, and Variances

D. Additional or Modified Submission Requirements for Specific Special Exception Applications

The following are additional or modified submission requirements for special exception applications for:

(8) Data Center

- (a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.
- (b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

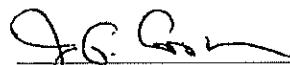
Add provisions for the Data Centers Zoning Ordinance Amendment to subsection 2.B of Appendix 1, Provisions Relating to Previous Approvals.

Data Centers

- (a) Any site plan for a data center accepted for review on or before July 16, 2024, will be reviewed based on the provisions of the Zoning Ordinance in effect on July 16, 2024, if:
 1. The site plan is approved by July 16, 2025;
 2. The approval remains valid; and
 3. The uses, features, and structures are established or constructed in accordance with approved plans and permits.An approved plan may be revised notwithstanding this amendment if it does not aggravate conflicts with the amendment. Building permits and other related subsequent plan and permit submissions may be accepted and new approvals may be granted, consistent with the approved site plan. The applicant/owner may elect to have the above applications reviewed in their entirety under the provisions of this amendment.
- (b) For all applications for rezonings and related development plans, special exceptions, site plans, or building permits that include a data center approved on or before July 16, 2024, the applicant/owner may continue under their previous approval. Subsequent plan and permit submissions may be accepted and new approvals may be granted, consistent with those prior approvals. Revisions to such prior approvals may be approved if they do not aggravate conflicts with this amendment.

These amendments shall become effective on September 11, 2024, at 12:01 a.m.

GIVEN under my hand this 10th day of September, 2024.



Jil G. Cooper
Clerk for the Board of Supervisors

TOWNSHIP OF _____

ORDINANCE NO. _____

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

The Township of _____ ordains:

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

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

Section _____ 154.235 Cryptocurrency Data Mining Facilities and Data Centers.

A. Definitions.

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

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

B. General Provisions.

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

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

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

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

- (10) A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- (11) A fire protection plan, which identifies the fire risks associated with the Cryptocurrency Data Mining Facility or Data Center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
- (12) A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- (13) An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township's review and approval.
- (14) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.); Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.
- (15) Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

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

- (1) Equipment. All equipment used in any Cryptocurrency Data Mining Facility or Data Center must be housed in a metered, electrically grounded, and pre-engineered or prefabricated metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes.
- (2) Structures. All principal and accessory structures used for cryptocurrency mining operations and/or data centers, shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. If prefabricated, pre-engineered, or modular structures are installed, the following standards are required:

- a) All structures shall have concrete foundations.
- b) All exterior facades shall have muted earth tone colors that will blend the facility into the natural setting and existing environment, and shall not be defective, decayed or corroded.
- c) If intermodal shipping containers are utilized such installation shall comply with current National Electrical Code standards.

(3) Lighting. The lighting of the Cryptocurrency Data Mining Facility or Data Center is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Cryptocurrency Data Mining Facility or Data Center. The Cryptocurrency Data Mining Facility or Data Center must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.

(4) Security Fencing. Security fencing must be installed around all electrical equipment related to the Cryptocurrency Data Mining Facility or Data Center. Such fencing must be a minimum seven (7) feet tall and must use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

(5) Noise. The noise generated by the Cryptocurrency Data Mining Facility or Data Center must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.

(6) Signage. The Cryptocurrency Data Mining Facility or Data Center shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.

(7) Underground Transmission. All power transmission or other lines, wires, or conduits from a Cryptocurrency Data Mining Facility or Data Center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.

(8) Drain Tile Inspections. The Cryptocurrency Data Mining Facility or Data Center must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years using a robotic camera, with the first inspection occurring before the Cryptocurrency Data Mining Facility or Data Center is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

(9) Fire Protection.

- a) Before any construction of the Cryptocurrency Data Mining Facility or Data Center begins, the Township's fire department (or the fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Cryptocurrency Data Mining Facility or Data Center must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
- b) The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
- c) The Cryptocurrency Data Mining Facility or Data Center must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
- d) The Cryptocurrency Data Mining Facility or Data Center must contain an internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.

(10) Applicant must provide all Township Fire Department contractors with the appropriate equipment and training to address fires in the Cryptocurrency Data Mining Facility or Data Center.

(11) Insurance. The applicant or operator will maintain property/easuality insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.

(12) Permits. All required county, state, and federal permits must be obtained before the Cryptocurrency Data Mining Facility or Data Center begins operating. A building permit is required for construction of a Cryptocurrency Data Mining

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

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

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

Section 2. Amendment of Section _____, 154.247.

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

Section 3. Validity and Severability.

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

Section 4. Repealer.

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

Section 5. Effective Date.

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

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