

CHARTER TOWNSHIP OF LYON

LARGE LAND USE SPECIAL LAND USE ORDINANCE AMENDMENT

DRAFT FOR DISCUSSION – September 9, 2026

*****READER’S NOTE:*** *At the March 2, 2026 Township Board meeting, the Board passed a moratorium on large land uses, including data centers. During that meeting, it was requested that staff conduct a comprehensive review of data center and large land uses, including specific regulations on the following topics:*

- Adequate zoning classifications and setbacks from residential zones. ✓
- Impacts on local energy grids, water supplies and other utilities. ✓
- Noise and light mitigation standards. ✓ (Lighting completed. Sound Ordinance under review/update with K&S and will be presented at a future meeting)
- Requirements for stormwater management and water discharge. ✓
- Economic benefits versus community costs, including permanent jobs created. ✓
- Construction noise. ✓ (May be updated further with K&S update)
- Nondisclosure agreements (NDAs) (Policy to be included in future update)
- Master Plan alignment. ✓
- Zoning issues. ✓
- Decommissioning/restoration bonds. ✓
- Hyper-scale versus regular scale data centers. ✓
- Fire safety / battery storage. ✓
- Generator use. ✓
- School setbacks. ✓
- Environmental review by third parties. ✓
- Michigan Department of Environment, Great Lakes, and Energy (EGLE) review. ✓
- Conflicts of interest. ✓ (Policy to be included in future update)

We will continue to work on addressing these topics on this and all future drafts of this ordinance. The Michigan Township Association (MTA) released a model data center ordinance this month. We have started reviewing this model and will be incorporating some elements from that ordinance in future drafts.

Changes from previous drafts will be tracked, and it is our intent to include both “clean” and “tracked changes” versions of the draft ordinances in the meeting packets throughout this review process.

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CHARTER TOWNSHIP OF LYON ORDAINS:

Section 1 of Ordinance. Amendment of Chapter 48.

Chapter 48, Zoning, Article 33.02.C.2, Table of Permitted Uses, is hereby amended in part to read as follows:

Legend:	
√ =	Use is Principal Permitted Use*
X =	Not Permitted in District
SP1 =	Class 1 Special Land Use* — See subsection 33.02.B
SP2 =	Class 2 Special Land Use* — See subsection 33.02.B
* <u>Large or Intensive Land Uses: All permitted or special land uses occupying over 100,000 sq. ft. of gross floor area in a single building or collectively in multiple buildings or having a net density of over 40 employees per acre, or generating more than 100 truck trips per day shall be subject to special land use approval in the I-1 and I-2 districts. See subsection 33.03.P for review criteria.</u>	

Section 2 of Ordinance. Amendment of Chapter 48.

Chapter 48, Zoning, Article 33.03, Development Standards, is hereby amended to add Subsection P, Large or Intensive Land Use Special Land Use Criteria, as follows:

P. Large or Intensive Land Use Special Land Use Criteria. All permitted or special land uses occupying over 100,000 sq. ft. of gross floor area in a single building or collectively in multiple buildings used for the same purpose (i.e., a site condominium, campus, or corporate park), or ~~or~~ having a net density of over 40 employees per acre, ~~or~~ generating more than 100 truck trips per day, or needing over five (5) megawatts of power to operate shall be subject to special land use approval in the I-1 and I-2 districts. Projects that fit these criteria shall be subject to the standards of Article 6, Special Land Uses, and the standards noted below. All required information shall be submitted with the application for Special Land Use review; an application shall not be considered complete until this information is submitted.

It is the intent of this ordinance to recognize that large and intensive land uses have the potential to impact land beyond the borders of the property on which they are operated, and to ensure that in the review of any such land use the health, safety, and wellness of the community are being considered.

The following standards are intended to be the minimum necessary to evaluate these land uses. Therefore, the Planning Commission and Township Board shall have the authority to require additional information deemed necessary to evaluate the operation of the proposed use. The

Planning Commission and Township Board shall also have the ability to waive or modify requirements of this section upon finding they are not applicable to the proposed use. The Township may also hire subject matter experts to determine compliance with any of these standards, the cost of which shall be covered by the applicant by establishing an escrow account in an amount sufficient to perform the review as determined by the Township.

1. Setbacks, Site Design, and Building Design Criteria.

a. Building and structure setbacks. All buildings and structures shall be located a minimum of 250 feet from property lines shared with residentially-used or -zoned property, educational uses, or religious uses.

Commented [BK1]: Additional sensitive uses.

b. Mechanical equipment location and setbacks. Mechanical equipment, including chillers, HVAC equipment, generators, pumps, BESS enclosures, and similar equipment, shall be located a minimum of 500 feet from property lines shared with residentially-used or -zoned property. However if there is a building or structure that fully screens and exceeds the height of the mechanical equipment by at least twice the height of the equipment, the mechanical equipment may be set back a minimum of 250 feet from a property line shared with residentially-used or -zoned property, educational uses, or religious uses.

i. Rooftop mechanical equipment. Mechanical equipment located on the rooftop of a building or structure shall be screened on all sides by a solid, sound-attenuating wall. Rooftop mechanical equipment shall be set back from residentially-used or -zoned property, educational uses, or religious uses in accordance with the setbacks in Subsection 1.b of this Section.

c. Loading docks and service areas. Loading docks and service areas for trash handling, deliveries, and other essential functions shall be oriented away from residentially-used or -zoned property, educational uses, or religious uses.

4.2. Energy use assessment. An assessment on the expected energy use, which may include electricity or an alternative power source, shall be provided.

a. The applicant shall provide documentation of the commitment from the electricity provider that sufficient electricity supply is available to the site and that such will not impact other users consistent with state law. In instances where a user is required by state law to obtain approval from the Michigan Public Service Commission (MPSC), proof of the approval shall be submitted to the Township prior to scheduling a pre-construction meeting of an approved site plan for the proposed use.

Commented [BK2]: Updated to reflect that requiring this information later in the process gives the Township the ability to review the site plan PRIOR TO the MPSC review.

a-b. The applicant shall provide a description of anticipated energy consumption, in megawatts, for the proposed use in both average daily consumption and peak daily consumption.

c. Electromagnetic interference. No energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the proposed use. No energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the proposed use is likely to produce electromagnetic interference in the link's operation.

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b.d. The applicant shall provide anticipated routes for electrical transmission lines and details illustrating the height, location, and number of poles that will support the proposed use.

c.e. On-site power generation, including nuclear power generation, shall not be permitted. Roof-mounted solar energy systems, however, are permitted in accordance with Section 19.02.JJ of the Zoning Ordinance.

2.3. Water use assessment. An assessment of water usage and wastewater or greywater produced shall be provided, including the impact on public and private well water sources.

- a. A detailed statement describing the proposed treatment or disposal of used water shall be provided with the assessment.
- b. A water feasibility study shall be provided that includes the following:
 - i. A description of the proposed plan to obtain water required for the proposed use, including whether the water would be taken from groundwater or surface water, whether private or public utilities are proposed, and indicating the volume of water required. The description shall specify if non-potable or recycled water is proposed to be used. The description shall provide a description of anticipated water use, in gallons per day, for the proposed use in both average daily consumption and peak daily consumption.
 - ii. An analysis identifying the impact on private utility systems located on adjacent or nearby properties up to one (1) mile away from the proposed use.
 - iii. ~~If water is proposed to be from public sources, the applicant shall demonstrate that the public source has the capacity to provide water for the proposed use or if infrastructure or facilities improvements would be required.~~ Proposed water cooling systems shall be described, including but not limited to water usage, chemical additives, and discharge methods.

Commented [BK3]: Is conducted as part of the engineering review.

3.4. Traffic impact study. The traffic impact study (TIS) shall be provided that meets the requirements of Section 5.05.i.

- a. Where there is evidence that the traffic generated by the development would cause or aggravate unsafe traffic conditions, the Planning Commission may require modifications to the design of proposed roads, driveways, and parking lots as well as conditions that exist on or around the site to mitigate traffic safety concerns.

4.5. Sound and vibration assessment.

- a. A sound and vibration impact study shall be prepared by an accredited acoustic engineer to assess the production of noise and vibration within and beyond the site as a result of the proposed use. The study shall include assessments of ambient sound conditions at the time of application as well as detailing the sound and vibration, tonality, infrasound, and low-frequency sound that will be present during operational or working hours and non-operational or working hours.

- b. The operation shall comply with the sound performance standards of Article 20 of the zoning ordinance.

b.c. Details shall be provided to sufficiently describe sound-attenuating methods and vibration dampening systems used to mitigate impacts for chillers and other mechanical equipment associated with the use. A complete acoustical analysis and impact assessment shall be completed, including complete modeling documentation and all modeling inputs and assumptions used in the noise modeling calculations.

Commented [BK4]: Align with industry-standard terminology used by K&S in their reviews.

6. Site lighting assessment.

- a. Site lighting shall comply with the standards of Section 12.11 of the zoning ordinance.
- b. Site lighting systems shall utilize motion-activated or timed security lighting is areas of the site that are not regularly used for employees, deliveries, or customers.

5.7. Environmental impact assessment. An assessment of environmental impacts, including those created during construction and during ongoing operation of the proposed use, shall be provided.

- a. The assessment shall describe the effect and impact that the proposed use will or may have upon or with respect to the following matters:
 - i. The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values. Includes soil impact, deforestation or tree removal, habitat, and ecosystem disruption.

ii. Production of dust, dirt, litter, smoke, odor, or heat discharge beyond the property on which the use is located.

~~iii. Air impact caused by emissions of equipment. If diesel generators are included, runtimes shall be provided.~~

~~iv. Interference with Reception. The proposed use shall not interfere with television, radio, internet, or telephone reception.~~

~~iii-v. Creation of electromagnetic radiation cause by the operation or equipment involved in the operation.~~

b. 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.~~ shall be submitted prior to scheduling a pre-construction meeting of an approved site plan for the proposed use.

6-8. Hazardous Materials, Storage, and Waste Plan.

a. All storage and/or processing of hazardous materials and waste shall comply in all respects with state and federal law and regulations and the requirements of the Michigan Department of Environment, Great Lakes and Energy and any other applicable agency. Storage and/or processing of hazardous materials and waste shall not commence until all necessary permits have been obtained and copies of such permits have been provided to the Township. Any changes to the operation of the facility that affects hazardous waste material must be approved by the Township.

b. Prior to operating, the applicant/operator shall submit a Hazard Mitigation Plan for review by the Township and Fire Department. The applicant/operator shall describe the nature of the storage and processing of hazardous materials and waste. At a minimum, the Hazard Mitigation Plan shall contain:

- i. A hazardous materials inventory (batteries, fuels, coolants, etc.).
- ii. A detailed description of any proposed cooling systems, including water usage, emissions, and wastewater discharge.
- iii. Proposed safety measures and protocols to prevent the spread of hazardous materials outside of designated containment areas.
- iv. Procedures in the event that hazardous materials or waste are released and have the potential to damage persons, property or the environment.

Commented [BK5]: Reflect that the Township must review first, but we still require proof of all State and Federal permits prior to construction. These are already requirements today, but this is confirmation in the ZO.

- v. Verification that all electronic waste generated by the operation will be handled by a licensed electronic waste recycling firm.

7.9. Refuse handling plan. ~~AA~~An operational narrative of refuse generation and handling shall be provided, including the expected refuse materials that will be generated and an intended refuse removal schedule.

8.10. Drain tile and floor drain inspections. The applicant or operator must inspect all drain tiles and floor drains at least once every three (3) years using a robotic camera, with the first inspection occurring before occupation of the proposed use. The applicant or operator must submit proof of the inspection to the Township Engineer. 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.

9.11. Social and economic impact assessment. An assessment of the social and economic impacts of the use on the community shall be provided. The assessment shall include a narrative which includes, but is not limited to:

- a. Impact on residents lifestyle, culture, community, economic status, health, and wellbeing.
- b. Anticipated employment opportunities, including construction employment, operational employment, and ancillary employment expected. Employment opportunities shall describe the nature of the jobs created, including full-time versus part-time employment, expected salary ranges, and expected qualifications for employment opportunities.
- c. Projected tax and other applicable financial implications for the Township, Oakland County, schools, and other taxing entities that will be impacted by the development.

~~10.~~ Fuel storage tanks. ~~All fuel storage tanks shall be designed to comply with the standards of Article 17, Performance Standards, of this ordinance. Additional standards include:~~

- ~~a. One storage tank is permitted per building, not to exceed a capacity of 5,000 gallons.~~
- ~~b. Storage tanks shall have a 100 percent catchment basin, or double-walled containment, and a spill protection overfill alarm.~~
- ~~c. Storage tanks must have a minimum setback of 500 feet from all property lines and rights-of-way.~~

11.12. ~~Storage tanks must meet all applicable State of Michigan and federal regulations for above-ground storage tanks, including the International Building Code 2021 as amended concerning storage tanks, and the National Fire Protection Association 30, as~~

~~amended.~~ Fuel storage tanks are prohibited. This prohibition applies to both under-ground and above-ground tanks.

~~12.13.~~ Generators. On-site power generators are only permitted when required by Lyon Township Fire Department to operate emergency lighting, fire suppression systems (water pumps or building-mounted fire suppression), or other life safety systems permitted by the Township Board. ~~One such generator is permitted per building unless additional generators are required by the Fire Department to provide reasonable operation of life safety systems.~~

- a. Generators must meet or exceed Tier 4 or equivalent emission standards as defined by the United States Environmental Protection Agency (EPA).

~~14. On-BatterySite Battery Energy Storage Systems (BESS). If BESS are proposed on site, they are subject to independent 3rd party review for safe operational standards and must include a Hazard Mitigation Plan. On-site BESS are permitted as an accessory use and shall follow the regulations associated with accessory uses of this ordinance and the following standards.~~

- a. ~~Michigan Public Act 233 of 2023. On-Site BESS with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more shall comply with the standards and procedures regulated by PA 233 of 2023 in addition to the standards of this ordinance.~~
- b. ~~System Certification. All On-Site BESS shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application, and documentation of compliance must be provided.~~
- c. ~~Large Scale Fire Testing. The results of Large Scale Fire Testing shall be submitted for all BESS that will be used on site. Cabinet spacing, setbacks, and all other requirements of the Large Scale Fire Testing results shall be incorporated into the site plan.~~
- d. ~~Setbacks. On-site BESS shall be placed a minimum of 100 feet from all road rights-of-way (or access easement, if applicable) and 500 feet from all property lines. Additionally, no On-Site BESS shall be placed closer to a property line or right-of-way than a building used for the principal permitted purpose of the site.~~
- e. ~~Height. The total height of an On-Site BESS enclosure or building, including any roof-mounted mechanical equipment, shall not exceed 16 feet.~~
- f. ~~Wiring. All on-site utility lines required for the operation of the On-Site BESS shall be placed underground unless it is demonstrated to the satisfaction of the Township that it is not feasible for underground installation.~~
- g. ~~Signage. Safety signage shall comply with NFPA 855 and other applicable safety codes.~~

Commented [BK6]: Align with Section 1.b

Commented [BK7]: Require but give PC/TB discretion when needed.

h. Repair and Replacement. On-Site BESS may be repaired or replaced with no changes to the battery chemistry. Changes to battery chemistry shall not be considered a "minor" amendment to the site plan and shall be reviewed as an Amendment defined in Subsection 20 of this ordinance.

b-i. System Maintenance. A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for Installation of Stationary Energy Store Systems shall be provided.

15. Emergency Response Details.

a. Emergency Contact Information. The operator must provide visible signage (up to six square feet in size per sign) at each site entrance describing up to date 24-hour emergency contact information, including the company name, telephone number for the emergency contact person, and the power company's name and telephone number.

c-b. Fire protection plan.

- i. A fire protection plan shall be provided which identifies the fire risks associated with the proposed use and; 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.
- ii. 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.
- iii. The proposed use must comply with the fire protection plan as approved by the fire chief.
- iv. The proposed use must contain an internal fire suppression system that shall be reviewed and tested at least once every twelve (12) months by a third-party contractor approved by the fire chief.

iv-v. The operator shall commit to conduct, and provide funding to conduct, site-specific training drills with emergency responders before commencing operation and at least once per year while the facility is in operation. Training must be designed to familiarize emergency responders with the site, hazards, procedures, and best practices.

d-c. Extraordinary Events. If the proposed use 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 ~~twenty-four~~ (4) hours after said incident.

Commented [BK8]: Tighten time of reporting.

13.16. Public Facilities assessment. The impact to public facilities and services shall be described and impact mitigation plans shall be described to ensure the public does not bear the burden of serving the proposed use. Such an assessment shall include:

- a. Additional costs to governmental units; police and fire protection; storm water drainage; water supply and sewage disposal.
- b. A statement or assessment of the impact to public facilities and services in the event of an emergency.
- c. 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.

e-d. A waste management plan describing handling methods for trash, recycling, batteries, e-waste, and other consumables specific to the proposed use shall be provided.

Commented [BK9]: Public request to identify downstream handling of waste.

14.17. Decommissioning plan.

- a. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the use, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the use and restore the subject parcels, which is subject to the Township's review and approval.
Where elements of the site are intended to remain for the use of an unspecified subsequent user, those elements shall be identified and a statement of justification shall describe why the elements are not intended to be removed.
- b. The applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning the structure(s) in accordance with the requirements of this ordinance, including reclamation to the original pre-construction site conditions. The Township shall have the authority to make reasonable assessments about the potential to reuse structures and site elements for permitted uses in the future (for example, buildings, parking areas, sidewalks, etc.) and may exempt specific structures and site elements from the estimated cost of decommissioning.
 - i. The applicant shall post a performance bond in accordance with Article 17 of this ordinance for decommissioning.
 - ii. The cost of decommissioning shall be reviewed between the operator and the Township Zoning Administrator every two years to ensure adequate funds are allocated for decommissioning; the performance

bond, defined herein, shall be appropriately adjusted to reflect ~~the~~
~~then~~the current decommissioning estimate.

c. Decommissioning shall include the removal of all structures (including all equipment and fencing) and debris to a depth of four feet, restoration of the soil, and restoration of vegetation within six months of the end of project life or facility abandonment. However, the Township shall have the authority to allow specific structures or site elements to remain on site if they can be reasonably used for other permitted purposes (for example, buildings, parking areas, sidewalks, etc.).

~~d. All above and below ground materials shall be removed when the use is decommissioned.~~

~~e.d.~~ The ground shall be restored to its original condition within 60 days of removal of the structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land.

~~f.e.~~ In the event that the property owner or operator fails to comply with the decommissioning requirements of this Ordinance, the Township may, upon thirty (30) days written notice to the property owner and/or operator, utilize a performance bond to complete the decommissioning process.

18. Complaint Resolution Program. The applicant shall include a Complaint Resolution Program (CRP) for approval. The CRP shall include the following at minimum:

a. A sample complaint form shall be submitted for approval by the Township and use by complainants.

b. A CRP Administrator shall be designated by the operator and up-to-date contact information shall be provided and maintained at all times to the Township.

c. Complaints shall be submitted to the Township Ordinance Enforcement Officer, who shall forward them to the designated CRP Administrator.

d. The CRP Administrator shall keep the Township Ordinance Enforcement Officer informed throughout the resolution process.

e. The CRP Administrator shall inform the Township Ordinance Enforcement Officer within 24 hours of receiving a complaint of processes and timelines for responding to and resolving each complaint.

19. Reporting and Monitoring. The Township may establish reporting requirements, monitoring procedures, or enforcement mechanisms which are determined to be necessary to ensure the health, safety, and welfare of the community. Minimum requirements shall be determined based on measurable concerns related to the specific use under consideration.

Commented [BK10]: Address a publicly stated concern for ongoing monitoring. Intentionally broad to allow us to consider use-specific objectives for reporting.

~~45.20.~~ Abandonment. Any use that becomes dormant or ceases activity or use for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this ordinance, unless the applicant receives a written extension of that period from the Township Board in a case involving an extended repair schedule for good cause. Periods of inactivity for seasonal uses which customarily cease activity as regular operational practice shall be defined as a condition of approval; for seasonal uses the Township Board shall specify a reasonable period of inactivity by which the use shall be considered abandoned.

21. Amendment of Plans. In accordance with Section 5.04.G.2, all site plan modifications for uses approved under the Large Land Use ordinance are not considered "minor." Additional or modified mechanical and electrical equipment installed on a site shall require a site plan amendment and updated sound study.

a. For the purposes of this ordinance, replacement of mechanical and electrical equipment with equivalent equipment is considered standard maintenance and shall not constitute amendment of the site plan if the specifications for noise, energy consumption, and emissions illustrate no greater impact than existing equipment. Replacement of equipment shall be reviewed through the Building Department's standard permit review process. If, through the course of the permit review, the Building Official or their designee determine that there will be greater impact to noise, energy consumption, or emissions, the replacement shall be considered an amendment of the site plan.

22. Hold harmless agreement. The application shall include 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 proposed use, which is subject to the Township's review and approval.

Section 3 of Ordinance. Amendment of Chapter 48.

Chapter 48, Zoning, Article 3.02, Definitions, is hereby amended to add the following definitions in their alphabetically appropriate locations:

Battery Energy Storage System (BESS). One or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

Data processing and computer center. A facility used primarily for the storage, processing, management, and distribution of digital data, consisting of networked servers, computing

equipment, backup power systems, cooling systems, and related mechanical and security infrastructure. This use includes cloud computing centers, colocation data centers, enterprise data centers, data mining, artificial intelligence (AI) processing, and other digital data management.

- a. Accessory Data Center. A data center that is ancillary to the principal use of a lot or parcel, which is typically used solely to store or support an individual business' data and information technology needs. A data center is not considered an accessory use if it requires more than five (5) megawatts of power to operate.
- b. Small-scale Data Center. A data center that requires less than five (5) megawatts of power to operate.
- c. Medium-scale Data Center. A data center that requires greater than five (5) and less than 100 megawatts of power to operate.
- d. Hyperscale Data Center. A data center that requires more than 100 megawatts of power to operate.

Section 4 of Ordinance. Amendment of Chapter 48.

Chapter 48, Zoning, Article 33.02, Permitted Uses and Structures, is hereby amended as follows, and to add Subsection 3, in Subsection C, Uses Not Cited by Name:

2. Conditions by which use may be permitted. If the planning commission determines that the proposed use is similar to and compatible with permitted uses in the district, the ~~commission shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use~~ proposed use may be permitted as a special land use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The planning commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

Notwithstanding these provisions, any use not specifically listed in the I-1 or I-2 district but which is specifically listed as a use permitted by right or as a special land use in another district, shall not be permitted in the I-1 or I-2 districts.

3. Large or Intensive Land Uses Not Cited by Name. Any use determined by the Planning Commission to be permitted under Subsection C, Uses not cited by name, shall be subject to Section 33.03.P of this ordinance if the size or intensity criteria therein apply to the proposed use.

Section 5 of Ordinance. Amendment of Chapter 48.

Chapter 48, Zoning, Article 33.02.A.H, Permitted Uses and Structures, is hereby amended to require Special Land Use Review for Small-scale, Medium-scale, and Hyperscale Data Centers, while allowing Accessory Data Centers by right.

Use	I-1 District	I-2 District	Comments
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<u>H. Data processing and computer center</u>			
<u>1. Accessory Data Center</u>	<u>✓</u>	<u>✓</u>	
<u>2. Small-scale Data Center</u>	<u>SP2</u>	<u>SP2</u>	<u>See section 33.02.P for specific use standards and requirements.</u>
<u>3. Medium-scale Data Center</u>	<u>SP2</u>	<u>SP2</u>	<u>See section 33.02.P for specific use standards and requirements.</u>
<u>4. Hyperscale Data Center</u>	<u>SP2</u>	<u>SP2</u>	<u>See section 33.02.P for specific use standards and requirements.</u>

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