

DETOUR VILLAGE
CHIPPEWA COUNTY, MICHIGAN
DATA CENTER FACILITY
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. _____

At a meeting of the Village Board of DeTour Village, Chippewa County, Michigan, held at the DeTour Village Hall on _____, 202_____, at _____ p.m., Village Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Village Board Member _____.

An Ordinance to amend the DeTour Village Zoning Ordinance, as amended, to regulate Data Centers.

DETOUR VILLAGE, CHIPPEWA COUNTY, MICHIGAN ORDAINS:

SECTION 1. AMENDMENT TO ARTICLE 8: The DeTour Village Zoning Ordinance, Article 8 shall be amended to add Section 8.4 to state as follows:

SECTION 8.4. DATA CENTERS

1. Intent & Purpose.

The purpose of this Section is to protect and safeguard the health, safety, and general welfare of the citizens of DeTour Village by promoting the effective and efficient use of Data Centers. It is the intent of the Village to permit these systems by regulating their siting, design, and installation to protect the public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Data Centers, as defined in this Ordinance, shall comply with the provisions of this Ordinance and are only permitted as authorized by this section.

2. Permitting.

- A. Data Centers shall be authorized as special uses in the Industrial ("I") District subject to the standards in this Section.
- B. Data Centers are subject to the general requirements for special use permitting and approval under Article 8 of this Zoning Ordinance in addition to the regulations in this Section. To the extent there is any conflict between the general requirements under Article 8 and this section, this section shall control.

C. The authority to issue a determination on the application is granted within Section 8.1 of the DeTour Village Zoning Amendment, under Article 8; the Zoning Administrator shall file his recommendation of the proposed development with the Planning Commission; the Planning Commission then has the authority to approve the application and direct the Zoning Administrator to issue the special permit, approve with conditions and direct the Zoning Administrator to issue the special permit, or deny the application; the Planning Commission shall then forward all findings to the Village Council for review.

3. Additional Application Requirements for Data Centers.

A. All applications for Data Centers must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information complying with the information set forth below and as set forth in Article 7, in addition to the information required for special use permits under Article 8 of the Zoning Ordinance.

1. *Site Plan.* A site plan, as required under Article 7 of the Zoning Ordinance.
2. *Contact Information.* The complete name, address, and telephone number of the applicant.
3. *Description.* A description of the Data Center, including:
 - a. The location and a description of the Data Center.
 - b. A description of the anticipated effects of the Data Center on the natural environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
 - c. A description of the expected use of the Data Center.
 - d. Anticipated or future use of augmentation for a project. Should an applicant intend to repurpose or augment a project site, applicants must provide a narrative indicating the anticipated project life of the project with repurposing or augmentation and detail plans and schedules for repurposing or augmentation activities.
 - e. Additional information required by the Village as it relates to the site plan.

4. *Public Benefits*. Expected public benefits of the proposed Data Center.
5. *Environmental Impacts*. The expected direct impacts of the Data Center on the environment and natural resources and how the applicant intends to address and mitigate these impacts. This includes any impacts to water quality, water supply, or potential groundwater contamination and methods to avoid such impacts to water sources.
6. *Public Health and Safety*. Information on the effects of the Data Center on public health and safety.
7. *Agency Consultation*. Evidence of consultation, if required, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
8. *Interference*. If the Data Center is reasonably expected to have an impact on television signals, microwave signals, global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.
9. *Stormwater*. A stormwater assessment and a plan that will require approval by the Chippewa County Public Works Commissioner to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. All stormwater assessment and plans must include content on how an applicant will take measures to either not disturb and maintain existing private drainage infrastructure including drain tile or will upon decommissioning repair such private drainage infrastructure to allow lands to continue to be suitable for agricultural and rural residential use, if applicable. Stormwater plans shall reasonably attempt to use less invasive means and methods of stormwater control to provide for future land use upon decommissioning (e.g., minimal creation of detention basins).
10. *Emergency and Fire Response*. An emergency response plan addressing how emergency services providers (EMS, fire, and law enforcement) can respond to emergencies that could occur at a facility. Applicants shall demonstrate how their emergency response plan is consistent with industry practices and standards for similar facilities including compliance with NFPA 855: “Standard for the Installation of Stationary Energy Storage Systems” or any applicable successor standard. The

emergency response plan shall also be provided by the applicant to Village emergency medical services, fire protection, and law enforcement providers for an opportunity to comment, and comments from the providers above must be submitted to the Village for review. The emergency response plan shall include a containment plan addressing surrounding areas, which shall detail all non-permeable liners utilized for battery storage components or address why liners are not needed and containment can be accomplished using other methods. Should an emergency response plan identify any necessary resources or training not possessed by a Village emergency services provider, the applicant must identify how it will provide such resources or training to the applicable provider. The emergency response plan must include an obligation for an applicant and owner and operator to provide an emergency hotline phone number (staffed 24 hours a day; 7 days a week) that is accessible by the Village including its fire department. Moreover, the applicant as part of its emergency services plan must provide the Village with a text-alert or other emergency alert system that residents can subscribe to in order to be made aware of any emergencies occurring at the project. Furthermore, this emergency response plan requires providing material safety data sheets for project components to the Village to be provided to its fire department and require construction of an access road (maintained year-round) to the project that is accessible by fire department apparatus.

11. *Decommissioning Plan.* A decommissioning plan drafted by a professional engineer that is consistent with the requirements of this Ordinance. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the Data Center, without deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. Moreover, an applicant for a Data Center, prior to construction, must enter into a decommissioning agreement acceptable to the Village Board before issuance of required permits for construction specifying the obligations of decommissioning and includes terms noting: (1) decommissioning obligations must be assigned to any future owner or operator of the Data Center; (2) the Village will have land rights to perform decommissioning itself with a posted financial assurance should it need to decommission a project; (3) the anticipated life of the project before decommissioning; (4) how the Village will receive land access rights to decommission the project should it be required to decommission the project; (5) an acknowledgement from the applicant or project owner that the estimate of project decommissioning costs will be updated and

reviewed at a minimum of every three (3) years by a mechanism acceptable to the Village, including but not limited to, an inflationary index or review of decommissioning costs by a professional engineer or other qualified professional and that the financial assurance required for decommissioning to be posted with the Village will be updated at a minimum of every three (3) years to match the new estimate of project decommissioning costs; unless the estimate of decommissioning costs goes down in which case the financial assurance will remain at the same value.

12. *Construction Schedule/Lifespan.* An anticipated construction commencement date and anticipated completion date for project construction. An estimate of the total operating lifespan of the project before decommissioning in years.
13. *Application Escrow.* An escrow account shall be funded by an applicant when an applicant applies for a special use permit for a Data Center. The monetary amount placed by the applicant in escrow with the Village shall be estimated by the Village to cover all reasonable costs and expenses associated with the zoning review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Village attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Village determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Village. At any point during the zoning review process, the Village may require that the applicant place additional monies in escrow with the Village should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Village Treasurer in a separate bank account, and upon completion of Village zoning review, all excess escrow funds must be returned to an applicant without interest.
14. *Sound.* A report of the predicted sound impact and noise compliance of the proposed Data Center shall be included with the application, specifically taking into consideration the sound emission levels set forth in this ordinance, as specified in the Zoning Ordinance for a Data Center. The report shall demonstrate that the predicted sound level limits are met at the lot or parcel line of the Data Center and any habitable structures within 1/4 mile receive no noise in excess of the maximum permissible

noise standards provided within this Ordinance, and the report conforms with ANSI/ISO standards for outdoor measurements and predictions. The report shall be produced by a qualified acoustical consultant.

15. *Public Water Required.* Connection to municipal public water is required unless waived due to satisfaction by the Village that the design will not cause an unreasonable burden on available potable water. Any water cooling must use a closed loop or recycled water system. Cooling water flushing and refills are limited to amounts as approved by DeTour Village.

- a. *Water Feasibility Study.* The applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed Data Center and to estimate the impact of the Data Center on existing wells, groundwater, and surface waters in the vicinity. No Data Center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
 - i. The projected water demands of the Data Center;
 - ii. The source of water to be used;
 - iii. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);
 - iv. The long-term safe yield of the water source;
 - v. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - vi. A geologic map of the area with a radius of at least one mile from the site;
 - vii. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;

- viii. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;
- ix. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table; and
- x. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

- b. No materials or wastes shall be deposited upon a lot in such a form that they might be transferred off the property by natural causes or forces, such as water, wind or snow.
- c. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Village.

16. *Adequate Electrical Capacity.* Prior to approval, the Data Center shall have adequate electrical capacity from an applicable service provider. Such capacity shall satisfy the following:

- a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider, and
- b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the Data Center.
- c. The Data Center will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
- d. Prior to approval of the certification of completion, the applicant shall provide the Village with written verification that the electrical work has passed a third-party final inspection.

17. *Material Safety Data Sheets and Manufacturer's Manuals.* Upon submission of an application, an applicant must provide all material safety data sheets and manufacturer's instructions/manuals for substantive project components (e.g., batteries) for Village review and inspection. Should any of the above information be considered confidential or a trade secret, the applicant shall indicate a process to allow inspection of such materials upon request by the Village while at the same time protecting disclosure of the documents to the extent permitted by Michigan public record statutes.
18. *Community Impacts Analysis.* A study that identifies the impacts of a proposed project on community resources and services, including, but not limited to, roads, fire protection (including any necessary training or equipment), police protection, emergency medical services, and public drainage systems including culverts. Applicants shall demonstrate in an application for a Data Center, how they will ensure impacts from a proposed project on community resources and services will be addressed by the applicant and not be borne on the Village.
19. *Noise Study Requirement.* To ensure compliance with Section 8.4(4)(k) of this amended ordinance, an applicant shall conduct a sound study performed by a third party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the lot or parcel line in eight locations (north, south, east, west, northeast, northwest, southeast, southwest). The report of the study must include sound mitigation recommendations based on the results of the sound study. The applicant must provide a copy of the report of the study with the application. The following noise propagation studies must be conducted:
 - a. A sound modeling study that demonstrates compliance with the maximum sound levels must be submitted. This study must be specific to the proposed site topography, layout and building type, scale, height and construction proposed. This study must show noise conditions at the site prior to project development at set locations determined by the Township and must provide model-predicted noise conditions resulting from the proposed project post-development.

b. The sound modeling study must include recommendations for sound mitigation measures, if they are necessary for the use to comply with maximum sound levels. These mitigation measures, if applicable, must be reflected on the site plan and incorporated into conditions of site plan approval.

20. *Noise Attenuation Plan Requirements.* The applicant must consult with a third party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the Data Center from exceeding the sound level limitations within the Ordinance. The applicant is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the architectural or design firm deems adequate to be in compliance with this Ordinance and does not create a noise disturbance. Noise attenuation measures may include but are not limited to:

- a. Soundproofing walls, screens, panels, fences, or enclosures.
- b. Buffer yards.
- c. Other noise attenuation measures recommended by the third-party acoustic engineer.

21. *Post Completion Noise Study Requirements.* Upon the Data Center's completion, the Data Center operator must conduct a post construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the Data Center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. The Data Center operator must provide a copy of the report to the Township and file with the Township Clerk within 30 days of completion of this study.

22. *Waste.* Applicants shall identify any solid or hazardous waste by a project and how such waste will be managed.

23. *Transportation.* Applicants shall provide a transportation plan for project construction, operation, and decommissioning. Such plan shall identify project ingress and egress, be approved by the Chippewa County Road Commission, and ensure that any damage caused to Village roadways from the project is repaired.

24. *Signage*. Applicants shall identify all project signage and ensure signage meets the requirements of the Zoning Ordinance. Furthermore, Data Centers shall post signs in compliance with NFPA 70/70E or any applicable successor code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855.7.4.4, or any applicable successor code in place at the time of application for approval, including information on the system type and technology, conditional hazards, fire suppression system and 24-hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

25. Other information reasonably required by the Village.

4. *Data Center Standards and Obligations*. Data Centers shall meet the following performance standards and obligations.

A. *Setbacks*. Data Centers shall be subject to the following setback requirements. No setbacks shall apply between participating properties hosting the same project. Setbacks shall be measured from the perimeter of a project decorative concrete soundwall or project fence. Data Center buildings, mechanical equipment, supporting BESS, and all other associated equipment must be set back as follows:

1. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 1000 feet from all property lines.
2. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 2500 feet from the nearest point of a habitable structure.
3. All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 500 feet from the public road rights-of-way.
4. Parking lots for Data Centers shall be set back at least 500 feet from public road rights-of-way, and 1000 feet from all property lines.

B. *Generators*. Routine generator operation maintenance is limited to Monday-Friday between the hours of 10 a.m. and 4 p.m.

1. Generators must be enclosed. All equipment on site must comply with maximum sound levels at all lot lines.

2. Onsite generators must meet or exceed EPA Tier 4 emission standards.

C. *Battery Energy Storage Systems.*

1. BESS for a Data Center shall be designed and constructed in accordance with the NFPA (National Fire Protection Association) 855 standard including as may be periodically updated.
2. The components of a BESS shall be approved with the review of a Data Center special use permit and shall otherwise comply with the requirements of this Ordinance.
3. The system and its components and equipment shall be listed by the nationally recognized testing laboratory, UL (Underwriters Laboratories) 9540 (standard for battery energy storage systems and equipment) or applicable nationally recognized standard with subcomponents meeting each of the following standards as applicable.
 - a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications)
 - b. UL 1642 (Standard for Lithium Batteries)
 - c. UL 1741 or UL 62109 (Inverters and Power converters)
 - d. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
4. All applicants shall include a detailed safety plan. Such a plan shall include, but not be limited to:
 - a. Preliminary design with locations and descriptive details regarding components relating to fire prevention and detection, and to explosion control.
 - b. Information regarding equipment designed for providing proper temperature control recommended for safe operation of batteries.
5. All BESS shall be equipped with safety systems as outlined below:
 - a. Hazard detection system.

- b. Explosion detection system.
- 6. Specifically, and without limitation, BESS setbacks and sound emissions shall comply with the noise requirements prescribed in this Ordinance.
- D. *Height of Data Center*. Unless a different height is approved by the Village, the maximum building height of the Data Center shall be no greater than 25 feet from the ground and shall comply with design standards.
- E. *Potential External/Off-Site Impacts*. Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible beyond the lot or parcel line. Stormwater shall be calculated and determined to not have pre-development stormwater run-off exceed post-development stormwater run-off as determined by the County under an applicable stormwater ordinance or regulation, or as approved by the Village in review of any Data Center.
- F. *Liability Insurance*. The owner or operator of any Data Center shall maintain a current insurance policy with insured amount to be acceptable for the Village to cover installation and operation of the project and name the Village including its officers, agents, and employees as an additional insured. The amount of the policy shall be established as a condition of special use permit approval.
- G. *Landscaping/Screening*.
 - 1. Fencing may not be placed in front of landscaping adjacent to roads. There must be landscaping in front of any fence adjacent to public roads. Barbed wire fencing is not permitted.
 - 2. Tree plantings adjacent to public roads, residential and rural areas, must consist of a minimum of two (2) staggered rows of evergreen trees from a list approved by the Village, planted 15 feet on center. The Village may require the plantings to be placed where they will best reduce noise from the facility and block the view from public streets and nearby properties.
- H. *Parking Requirements*. A minimum of one (1) parking space per employee on the largest shift is required, plus an additional three (3) visitor spaces. A minimum of one (1) loading space is required. Loading spaces/bays are only permitted to be located on one facade of the Data Center Principal Building.

- I. Construction Codes. The Data Center shall comply with all applicable state construction codes. The Data Center shall comply with applicable utility, Michigan Public Service Commission, as well as the Environmental Protection Agency, Department of Energy, Federal Energy Regulatory Commission and all other state and federal agency standards.
- J. Electromagnetic Interference. Each Data Center shall be designed, constructed and operated so as not to cause radio, wireless internet, telephone (both landline and cell phone) and television interference. In the event that electromagnetic interference is experienced as a result of the Data Center, the applicant must take appropriate action to minimize such interference, and if that is not feasible, the applicant shall provide alternate service to each individual resident or property owner affected.
- K. Noise. Any noise that emanates from all activity associated with any Data Center is limited to a maximum sound level of 40 to 45 dBA during the daytime and 35 dBA at nighttime at the lot or parcel line of the premises. The maximum sound level in this section does not apply to:
 - 1. Demolition work on buildings, structures, appurtenances and/or the testing of generators consistent with the requirements of any regulatory agency.
 - 2. Any situation arising from sudden and reasonably unforeseen events (beyond the control of the facility operator) that require the response of emergency vehicles or temporary use of emergency generators.
 - 3. All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).
- L. Lighting. A lighting plan for the Data Center shall be approved by the Village. Such plan must describe all lighting that will be utilized, including lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing.
 - 1. Horizontal Surfaces. For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

2. *Non-Horizontal Surfaces*. For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.
3. *Adjacent Residential Uses*. The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.
4. *Adjacent Non-Residential Uses*. The illumination projected from any property onto a non-residential use shall at no time exceed 0.5 initial footcandle, measured line-of-sight from any point on the receiving property.
5. *Glare*. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
6. *LED Lights*. LED light sources shall have a correlated color temperature that does not exceed 3000K.
7. *Luminaires*. Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.
8. *Lighting After Hours*. Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within one-half ($\frac{1}{2}$) hour of the close of the facility. On/off control shall be by an astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 10:00 p.m. or after regular business hours, or the use of motion sensor control, shall be permitted.

M. *Mechanical Equipment*. Mechanical Equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with the design, materials, details, and treatment compatible with those used on the nearest facade of the building.

N. *Project Appearance and Good Repair*.

1. Until project decommissioning, the owner and operator must maintain the Data Center and its components in good repair. The project component area, soundwall, and the area immediately surrounding the project, including buffer and setback areas between the project and other properties, shall be kept free of refuse, waste, and debris, and shall be neat, clean, and free of unsightly/unkempt, hazardous, or unsanitary conditions including unkempt landscaping or not mowed grass areas.

O. *Abandonment or Decommissioning*.

1. Any Data Center which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed. The project site must be restored to a condition substantially similar to its pre-development condition or a condition expressly authorized by the Zoning Ordinance and any property owner lease. The owner/operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner/operator shall notify the Village and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
2. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Data Center shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to store/transmit electric energy for a continuous period of 18 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment, the Village is permitted to enter the property and physically remove the installation at the owner's expense.
3. Decommissioning shall consist of:
 - a. Physical removal of all structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. Underground components shall be removed completely and disposed of outside of the Village. Hazardous waste shall be disposed of in accordance with local, state and federal waste disposal regulations.

- b. Stabilization or re-vegetation of the site as necessary to minimize erosion and to return the site to a substantially similar condition compared to after development of a Data Center.
- P. Maximum Lot Coverage. Lot coverage shall be a maximum of 60% except when the lot or parcel is served by municipal public water in which case the lot coverage may be increased to a maximum of 75%.
- Q. Design. The exterior surfaces of all improvements associated with a Data Center shall be generally neutral in color and substantially non-reflective of light. Such improvements shall be arranged to not direct glare on adjacent properties and roadways.
- R. Conditions. The Village may impose additional reasonable conditions for the approval of a Data Center as conditions on the DCP.
- S. Complaint Resolution.
 - 1. From construction until project decommissioning, an owner or operator of a Data Center must maintain a compliant resolution process that includes a publicly available permanent phone number and contact information for residents to make complaints regarding the project related to violations of the Zoning Ordinance or any zoning approvals. Such process must include a form available to the public to submit complaints which shall also be made available online and be provided to the Village for distribution to residents. A Data Center owner or operator shall acknowledge receipt of such complaints within seven (7) days and shall resolve complaints within 30 days unless impractical in which case the owner or operator must notify the Village and complainant of an estimated timeframe to resolve the complaint. A resolution to a complaint that will take over 30 days to address will require approval from the Planning Commission. The complaint resolution process may not require a complainant or the Village to post a monetary deposit or otherwise pay for the owner or operator to resolve or investigate a complaint. The Data Center owner or operator must notify the Village of any received complaints and resolutions to complaints on a monthly or bi-monthly basis.
- T. Compliance. All Data Centers shall comply with all applicable local, state, and federal laws and regulations including obtaining any required permits.
- U. Violations and Penalties. Violations and penalties of a special use permit for a Data Center shall be subject to Section 15.6 of the Zoning Ordinance.

SECTION 2. AMENDMENT TO ARTICLE 4: The DeTour Village Zoning Ordinance, Section 4.4.C, “I”, Industrial District shall be amended to add Data Centers as a special use permit.

SECTION 3. AMENDMENT TO ARTICLE 16: The DeTour Village Zoning Ordinance, Article 16 shall be amended to add the following definitions:

- A. **Abandonment.** Any use that remains nonfunctional or inoperative to the extent that it is not used to absorb, store, or discharge energy for a period of 18 months will be considered abandoned and subject to abandonment and decommissioning provisions.
- B. **Data Center.** A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.
- C. **Data Center Substation.** A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.
- D. **Daytime.** “Daytime” means that period of a day beginning at 9:00 a.m. and ending at 6:00 p.m., each day of the week.
- E. **Decibel (dBA).** A unit for measuring the volume of a sound on the A-weighted scale.
- F. **Habitable Structure.** A residence, school, hospital, church, public library, business, office, store, retail establishment, or other buildings people frequently sleep in, occupy or congregate, excluding accessory structures. Generally, considered a structure occupied by humans.
- G. **Nighttime.** “Nighttime” means that period of the day beginning at 6:00 p.m. and ending at 9:00 a.m., each day of the week.
- H. **Noise Attenuation.** The reduction of noise levels through the use of sound-absorbing materials, architectural design techniques, and/or other suitable means.
- I. **Noise Disturbance.** Any sound which annoys or disturbs a reasonable person of normal sensitivities or endangers or injures person or real property.
- J. **Non-Participating Property.** Any lands that do not have an agreement with an applicant or developer to host an or participate with a Data Center.

K. Participating Property. Any lands that have an agreement with an applicant or developer related to a Data Center.

L. Person. Any individual, corporation, partnership, limited liability company, association, or other legal entity.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 5. REPEAL AND FORM. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Further, the Village may use the content of this Ordinance and compile/insert it into the existing DeTour Village Zoning Ordinance document including making any technical provision numbering or clerical revisions as necessary for the compilation. See MCL 66.3a (ability of Village to codify its ordinances).

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

Lindsey McGuire, President and Mayor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the DeTour Village at a duly scheduled and noticed meeting of that Village held on _____, 2026, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within DeTour Village, on _____, 2026.
3. Within one week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Village voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Chippewa County Clerk on _____, 2026.

ATTESTED:

Jen Postula, Village Clerk

NOTICE OF ADOPTION
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. _____

DeTour Village
Chippewa County, Michigan

The DeTour Village adopted an amendment to the DeTour Village Zoning Ordinance on _____, 2026. The ordinance amendment regulates the development and use of Data Centers in the Village and provides for zoning districts to allow the land use. The amendment will become effective seven (7) days after publication of this notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, the ordinance amendment will take effect in accordance with MCL 125.3402.

A copy of the ordinance amendment and the entire zoning ordinance may be purchased or inspected during regular business hours or by appointment in the Village Clerk's office located in the DeTour Village Hall at 260 S. Superior Street, DeTour Village, Michigan 49725. The ordinance amendment contains the following catchlines: Section 1. Amendment to Article 8; Section 2. Amendment to Article 4; Section 3. Amendment to Article 16; Section 4. Severability; Section 5. Repeal and Form; Section 6. Effective Date.

Jen Postula, Village Clerk
P.O. Box 397
DeTour Village, MI 49725
Tel: 906-297-5471
Web: <http://www.detourmi.gov>

Publication Date: _____, 2026