



## **Section 100 Data Center Planned Unit Development (DPUD)**

**Intent:** Provide regulations and standards for a Data Center Planned Development address the following:

- Evaluating the Community and Environmental Impacts
- Establish clear guidelines for accountability during phased construction to full buildout.
- Ensure compatibility with surrounding land uses,
- Ensure quality design and architecture.
- Address the unique accessory uses associated with Data Centers
- Ensure the capacity of public services and adequate infrastructure to support the Data Center now and into the future.

## **Section 200 Definitions**

**Community Noise Equivalent Level (CNEI):** The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

**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.

**Data Center Planned Unit Development (DPUD):** Is a development that is under common ownership or control that could be located on a single or multiple parcels. The development could be done in phases or as a single project. The development may contain all aspects of Data Centers but on a larger scale.

**Data Center Accessory Use:** Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; domestic and non-contact cooling water and water discharge treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract of land. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

**Data Center Principal Building:** A building that contains the office and/or data storage function of a Data Center.

**Footcandle:** Enough light to saturate a one-foot square with one lumen of light.

**Ground Mounted Mechanical Equipment:** Accessory uses such as air conditioner units, generators, transformers, or other related equipment.



**Sensitive Receptors:** Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, parcels zoned residential and any residence where such residence is not located on a parcel zoned for industrial or commercial, or any other like uses as determined by the Zoning Administrator.

### **Section 300 DPUD-General Provisions**

- A. Applicability.** Section 600 applies to Data Center Uses. In addition to any other applicable requirements of this Zoning Ordinance. Applicants must submit materials at the time of submission of DPUD Site Plan that include any information necessary to evaluate conformance with standards in Section 600. Conditional or final Site Plan approval is Contingent upon the applicant demonstrating conformance to standards in Section 600 and other applicable standards in the Zoning Ordinance.
- B. Ownership:** The DPUD shall be under single ownership.
- C. Zoning:** Data Center Planned Unit Developments are an overlay zone that are permitted in the following underlying zoning district(s): \_\_\_\_\_.
- D. Lot Size:** Minimum \_\_\_\_\_ acres
- E. Open Space Requirements:** The development shall provide \_\_\_\_\_% of open space. Open space calculations should not include waterbodies, waterways or regulated wetland areas.
- F. Maximum Number of Principal Buildings:** \_\_\_\_\_ Principal Buildings
- G. Maximum Number of Accessory Buildings:** \_\_\_\_\_ Accessory Buildings
- H. Maximum Total Square Footage of Total Buildings** \_\_\_\_\_ Square Feet
- I. Review Procedure:**
  - 1. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a DPUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
  - 2. The applicant shall prepare and submit to the Zoning Administrator a request for rezoning to DPUD overlay and if applicable, the underlying zoning district. The application shall include a Preliminary Site Plan and items listed in Section --- (Application) shall be submitted in accordance with rezoning request (Municipality's Section on Zoning Map Amendments).
  - 3. The Planning Commission shall review the rezoning request, the Preliminary DPUD Site Plan, all submitted materials and DPUD Agreement, conduct a



public hearing, and make a recommendation to the Township Board and Livingston County Planning Commission.

4. Within thirty (30) days following receipt of a recommendation from the Planning Commission, the Livingston County Planning Commission shall conduct a public hearing on the requested DPUD overlay rezoning and if applicable, the underlying zoning district, make a recommendation for approval or denial to the Township Board.
  5. The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
  6. Within ninety (90) days following receipt of a recommendation from the Planning Commission and Livingston County, the Township Board shall conduct a public hearing on the requested DPUD rezoning, Preliminary DPUD Site Plan and DPUD Agreement and either approve, deny or approve with a list of conditions made part of the approval.
- J. Expiration.** Approval of the Preliminary DPUD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final DPUD Site Plan approval is not requested within this time period, resubmittal of a new DPUD preliminary plan and application shall be required. The Township Board may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.
- K. Process for Final DPUD Site Plans**
1. The applicant shall submit the required copies of all necessary information meeting the requirements of Section 600 of this ordinance to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
- L. Application.** When applying for a DPUD an applicant will submit all the following at time request.
1. A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
  2. **Safety:** Data Center shall Provide the following:
    - a. 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. Environmental Assessment**

Any Environmental Impact Assessment, Environmental and Community Impact Analysis, or similar documentation required under this Ordinance is intended solely to assist the Township in evaluating land use compatibility, site design, and potential off-site impacts within the Township's zoning authority. Such submittals shall not be construed as imposing additional regulatory standards beyond those expressly set forth in this Ordinance, nor shall they be used to require compliance with standards that are otherwise regulated exclusively by state or federal law.

An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for the (Municipality) to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

- a.** Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM<sub>2.5</sub>), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate. Developer shall acquire all necessary air quality permits from EGLE Air Quality Division.
- b.** A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waterways and cultural and historic resources on the property and within 500 feet of the boundaries of the property.
- c.** Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
- d.** A stormwater management plan will be required.
- e.** Environmental Compliance: Data Center shall provide proof of 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.

- 5. Complaint Resolution Plan:** A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Data Center, which is subject to the Township's review and approval.
- 6. Community Host Agreement (CHA):** The [Municipality] may, at its discretion and in consultation with legal counsel, enter into a voluntary Community Host Agreement with a Data Center Planned Unit Development applicant. Participation in a Community Host Agreement shall be voluntary and shall not be required as a condition of zoning approval, rezoning, site plan approval, or issuance of any permit.

The CHA shall do the following:

- a. Be a separate and binding agreement,
  - b. Clearly defined Community Impact Fees,
  - c. Shall describe the percentage or amount of funds and how they are to be allocated.
  - d. Funds may be allocated toward any of the following
    1. Public Services such as public meetings, water utility, public safety or fire authorities
    2. Park and Recreation
    3. Open Space Preservation
    4. Trails and Sidewalks
  - e. Community Host Agreement shall be reviewed every 3 years to ensure the accuracy of impact fees.
- 7. DPUD Agreement Shall:**
- a. **Cover Sheet providing:**
    1. The applicant's name
    2. The name of the development.
    3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
    4. Date of preparation and any revisions;
    5. North arrow;



6. Property lines and dimensions;
  7. Complete and current legal description and size of property in acres;
  8. Small location sketch of the subject site and area within one-half mile; and scale;
  9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the DPUD site;
  10. Lot lines and all structures on the property and within five-hundred (500) feet of the DPUD property lines;
  11. Location of any access points on both sides of the street within five-hundred (500) feet of the DPUD site along streets where access to the DPUD is proposed.
- b.** The DPUD Agreement will set forth the conditions upon which the approval is based, with reference to the approved DPUD Site Plan and a description of all deviations from Township regulations that have been requested and approved.
  - c.** When open space or common areas are indicated in the DPUD plan for use by the residents, the open space or common areas shall be conveyed in fee, placed under a conservation easement or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated in perpetuity and retained as open space for park, recreation, conservation or other common uses.
  - d.** Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.
  - e.** Assure that trees and woodlands will be preserved as shown on the site plan or replaced on a caliper for caliper basis.
  - f.** Assure the construction, improvement and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment) to mitigate the impacts of the DPUD project through construction by the developer, bonds or other satisfactory means, for any and all phases of the DPUD. In the case of phased DPUD's this requirement shall be reviewed at the time of any final site plan approval.
  - g.** Address any other concerns of the Township regarding construction and maintenance.



*h. Optional: Decommissioning Plan or Plan to mitigate impacts if the project discontinues.*

**M. A Preliminary DPUD Site Plan shall include:**

1. Conceptual layout of proposed land use, acreage allotted to each use, and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs. Note: Useable area is total area less public road rights-of-way, year-round surface water bodies, and regulated wetlands.
2. Building setbacks and spacing.
3. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as “areas not to be disturbed” in development of the DPUD.
4. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
5. Calculations to demonstrate compliance with minimum open space requirements shall be provided.
6. Preliminary architectural design information shall be provided to the satisfaction of the Township.
7. If a multi-phase DPUD is proposed, identification of the areas included in each phase.
8. Identify surrounding Sensitive Receptors up to 1000 feet from property line.
9. Utilities. Data Centers are subject and the following:
  - a. A Utility Master Plan shall be required based on guidelines provided by the Township Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for layout, size and phasing of utilities.
  - b. Data Center shall provide evidence there is water capacity to support Data Center and estimated usage.
  - c. Data Center shall provide evidence that there is energy capacity to support Data Center.
    1. 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,

2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use
3. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,
4. All cooling and ventilation equipment within property boundaries must operate on a closed-loop system.
5. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
6. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.

d. Data Center shall provide an annual report on water and power usage to the Township Zoning Administrator.

10. Additional Information: Applicant will provide any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

## **N. DPUD Site Plan Standards**

1. **Loading Bay Location.** Loading bays are permitted to be located on only 1 façade
2. **Parking.** The following parking standards shall be applied to Data Centers.
  - a. Applying the parking requirements for office that exist in the ordinance, but only to the portion of the Data Center building that is actually utilized for office space; or
  - b. Requesting a staffing plan from the Data Center developer and allowing such data to inform the minimum number of parking spaces needed.
3. **Setbacks and Building Massing Adjacent to Residential.** The following requirements apply when a proposed Data Center is to be located on a property adjacent to a property with Sensitive Receptors, including when the Data Center property is adjacent to residential property that are separated by public or private road.



- a. Minimum Parking Setback.** Parking must be setback at least 50 feet from the common property line, provided existing forest and other natural screening exists within 50 feet of the lot line, and such forest and screening remains undisturbed or enhanced in accordance with Section -- (Municipality section on screening); or, if no forest or natural screening exists, berms are provided at least 10 feet in height constructed to a maximum 2:1 slope on either side of the crown edge, and 10-foot-tall fencing and plantings are placed on top of the berm;
  - b. Minimum Setback for Structures.** Structures must be setback at least 200 feet from the common property line;
  - c. Change in Building Height.** If a building is located within 400 feet measured from the property line adjacent to property with Sensitive Receptors, any building façade facing the adjacent property must include a change in building height at a minimum interval no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building; and
  - d. Building Step-Back.** If a building is located within 400 feet measured from the property line adjacent to property with Sensitive Receptors the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the 2 is lower.
- 4. Location and Screening of Data Center Mechanical Equipment.** All ground level and roof top Data Center Mechanical Equipment must meet the following standards: Data Center Mechanical Equipment must be shown on any proposed Site Plan and must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest Principal Façade of a building;

  - a. Perforation for Ventilated Screening.** As determined by the Zoning Administrator, screening for Data Center Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Data Center Mechanical Equipment;
  - b. Separation from Residential.** Ground mounted Data Center Mechanical Equipment must be separated from adjacent property with Sensitive Receptors by a principal building or is otherwise not permitted adjacent to property with Sensitive Receptors.
  - c. Ground Mounted Prohibited in Front Yards.** Ground mounted Data Center Mechanical Equipment must not be located in any required front yard.
  - d. No Screening Requirements Adjacent to Industrially Zoned Property.** As determined by the Zoning Administrator, Data Center



Mechanical Equipment located in a manner found to have no adverse impact on adjacent properties zoned Industrial, Light Industrial or Research and Development, is not required to be screened pursuant to Section --- (Location and Screening of Data Center Mechanical Equipment), except that such Data Center Mechanical Equipment must be screened from any existing or planned public road.

- O. Generator Noise Adjacent to Residential.** For Data Centers on property adjacent to property with Sensitive Receptors the following standard applies to generator testing, subject to State and Federal Regulations or permits issued for the property
1. Generator testing is limited to between 5:00 p.m. and 7:00 p.m. between May 1 and September 30;
  2. Generator testing is limited to between 11:00 a.m. and 5:00 p.m. between October 1 and April 30; and
  3. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

**P. Noise:**

1. CNEI

- a. The Community Noise Equivalent Level (CNEI) at the boundary of the property containing a Sensitive Receptor shall not exceed 60 dBA.
  - b. The CNEI at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dBA.
  - c. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.
  - d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.
2. The limitations of Section --- (Noise). herein shall not apply to any Sensitive Receptors that are established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.

Option: To use the existing Municipality's Noise Requirements and reference the section number here or modify the model language as necessary.



3. **Noise-Post Construction:** A post-construction noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation complies with the Noise Ordinance standards in Section --- (Noise).

- Q. Light and Glare.** In addition to requirements of [Section with Municipality's Light Ordinance standards], Data Centers must meet the following standards:
- a. Data Centers must include a photometric plan that shows all exterior lighting, including any security lighting; and
  - b. Maximum illumination under Section --- (Light & Glare) includes any security lighting.
  - c. The illumination projected onto a Property with Sensitive Receptors shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property

- R. Power Generation:** On-site power generation for normal operations is prohibited; emergency backup generators are permitted as accessory uses.

*(Optional) Power generation from renewable energy sources, i.e. solar or wind, serving the Data Center may be permitted as accessory uses if expressly authorized by the underlying zoning district and provided such systems do not function as the primary power source for routine operations with Maximum \_\_\_\_\_ Kilowatts/Megawatts.*

- S. Landscaping /Buffering/Screening.** Data Centers adjacent to property with Sensitive Receptors must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm abutting adjacent property is 10 feet and abutting public/private roads is 10 feet.

Option: To use the existing Municipality's Landscaping, Buffer, and Screening Ordinance Requirements and reference the section number here.

- a. Where the combined footprint of the principal structure or structures is less than 100,000 square feet:
  - i. A minimum 300-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of property that has Sensitive Receptors.
  - ii. A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.
- b. Where the combined footprint of the principal structure or structures exceeds 100,000 square feet:
  - i. A minimum 500-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center



is located and along any property line which abuts or is within 500 feet of property that has Sensitive Receptors.

- ii. A minimum 50-foot buffer yard shall be provided along all other property lines.
- c. Utilities should be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.
- d. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the Planning Commission.
- e. The required number of plant units shall be calculated in accordance with other municipal screening requirements. (Municipality's Screening Ordinance requirements)
- f. Buffer yards along roadways shall be measured from the street right-of-way line.
- g. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.
- h. Buffer yards shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.
- i. The buffer yard shall include a dense landscape buffer consisting of the following:
  - i. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.
  - ii. One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
  - iii. One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multi-stemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.
  - iv. Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs



shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.

- j. The landscape buffer shall be located along the outer edge of the buffer yard.
- k. Plant material within buffer plantings shall meet the following requirements:
  - i. Be resistant to diesel exhaust.
  - ii. Not identified on the most current MDNR invasive species or watch lists.
  - iii. Be hardy within USDA hardiness Zones 6 and 7.
  - iv. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
  - v. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.
  - vi. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.
  - vii. The plantings shall be arranged to provide a complete visual screen of the property at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.
- l. The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements

**T. Principal Façade Standards.** Principal Façade requirements apply to all building facades that face adjacent existing or planned public roads or that face an adjacent property with Sensitive Receptors.

Option: To use the existing Municipality's Façade Standards and reference the section number here.

**a. Requirements.**

- i. Principal façades of a building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building:
  - 1. Fenestration or Fenestration and (Optional) Green wall; and
  - 2. A change in 1 of the following design elements:
    - a. Building material;
    - b. Pattern
    - c. Texture
    - d. Color; or
    - e. Accent materials.



- ii. **Consistent Design.** When a building has more than 1 Principal Façade, the Principal Façades of such building must be consistent in terms of design, materials, details, and treatment.
- iii. **Fenestration.** Each Principal Façade of a building must include Fenestration as follows:
  1. **Fenestration Surface Coverage of the Façade.** Fenestration must comprise at least 30% of the total surface coverage area of the Principal Façade.
  2. **Distributed Fenestration Coverage.** Fenestration provided to meet the following:
    - a. Each placement or bay may count towards no more than 7.5% of such total surface coverage area.
    - b. Required 30% total surface coverage area of the Principal Façade must be located in separated, individual placements or clustered bays; and
  3. **Fenestration Coverage Pattern.** The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the Principal Façade; and
    - a. **Fenestration Consistent Design with Principal Façade.** The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Façade.
  4. **Green-Wall Treatment.**
    - a. A Green-Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the façade requirement of Section ---. (*Fenestration Surface Coverage of Façade.*)
    - b. Requirements. Green-Wall Treatments must provide the following:
      1. **Maintenance.** The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green-Wall for the duration of the use;
      2. **Distributed Green-Wall Surface Coverage.** Green-Wall areas must be provided to meet up to half of the required 30% total surface coverage area of the Principal Façade of a building; and
      3. **Green-Wall Coverage Pattern.** The Green-Wall areas must be distributed horizontally and vertically across the Principal Façade.



**U. Standards for Approval of Preliminary DPUD Site Plan**

1. The DPUD must meet Section --- (Rezoning Criteria for Zoning Map Amendments).
2. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
3. The planned unit development is generally consistent with the goals, objectives and land use map of the Master Plan.
4. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
5. Public water and sewer facilities are available or shall be provided for by the developer as part of the site development.
6. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Roads and driveways shall comply with Livingston County Road Commission standards and the private road regulations as applicable. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.
7. Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Section.

**V. The Final DPUD Site Plan Requirements shall include:**

1. Meet all requirements and submit materials required by Section 600, including any updated Environmental and Community Impacts and Environmental Assessments, Utility Master Pan.
2. A hydrologic impact assessment describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.
3. A final copy of the approved DPUD Agreement that meets the requirements outlined in Section (DPUD Agreement)
4. If applicable, an approved Community Host Agreement between the Township and Developer.



5. **Additional Information:** Applicant will provide any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

**W. Conditions.** The Township Board may impose additional reasonable conditions to: ensure that public services and facilities affected by a Data Center will be capable of accommodating increased service and facility loads caused by the Data Center Planned Unit Development, 2) protect the natural environment and conserve natural resources and energy, 3) ensure compatibility with adjacent uses of land, and 4) promote the use of land in a socially and economically desirable manner.

**X. Construction.** Final site plan approval of a DPUD, DPUD phase or a building within the DPUD shall be effective for a period of three (3) years. Further submittals under the DPUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

**Y. Amendments and Deviations from Approved Final DPUD Site Plan** Deviations following approval: Final DPUD Site Plan may occur only when an applicant or property owner who was granted Final DPUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final DPUD Site Plan.

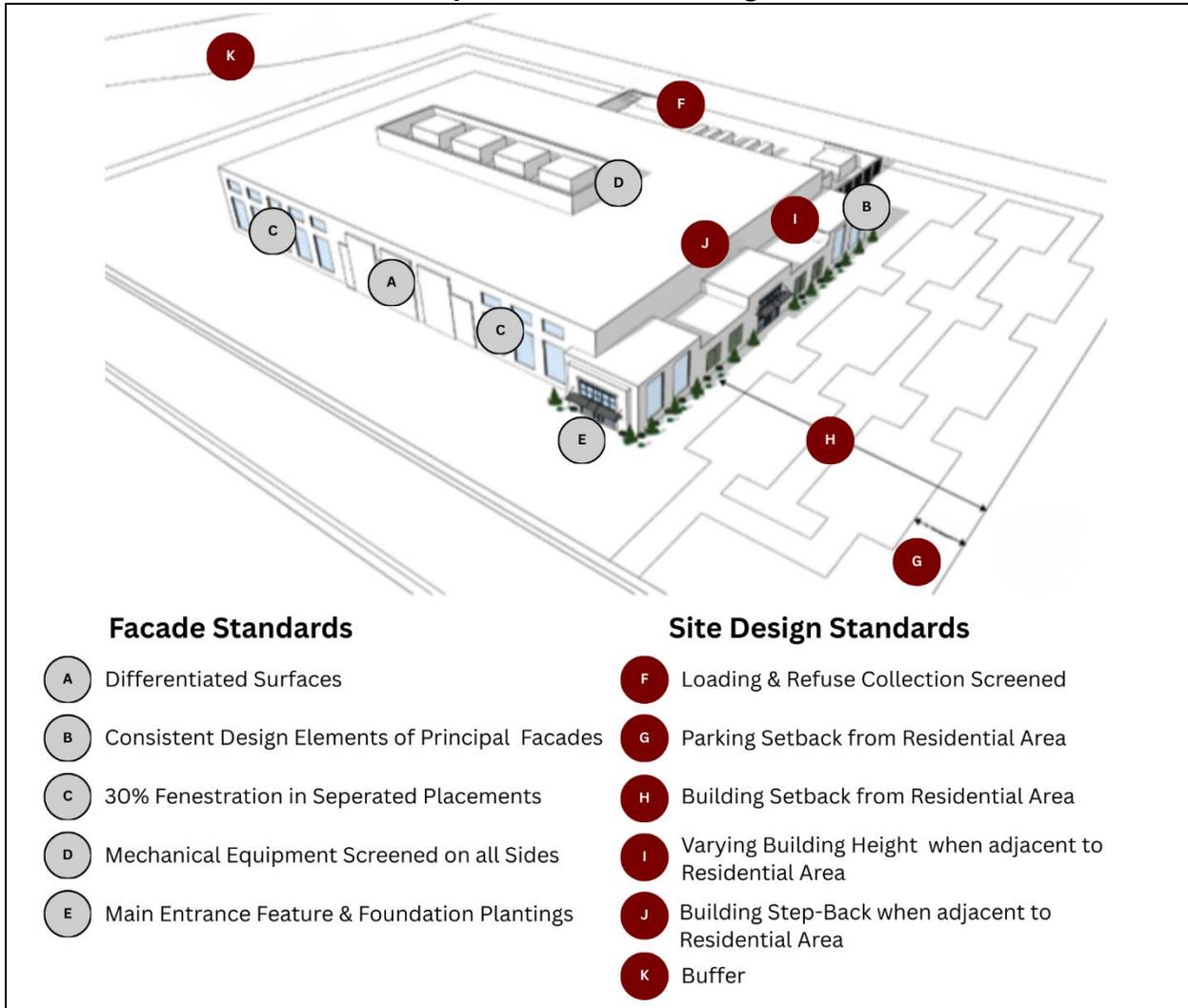
1. **Procedure:** Within fourteen (14) days of receipt of a request to amend the Final DPUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
2. **Minor changes:** The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor.
  - a. Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
  - b. Floor plans may be changed if consistent with the character of the use.
  - c. Horizontal and/or vertical elevations may be altered by up to five percent (5%).



- d. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
  - e. Designated "Areas not to be disturbed" may be increased.
  - f. Plantings approved in the Final DPUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
  - g. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - h. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
  - i. Slight modification of sign placement or reduction of size.
  - j. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
  - k. Changes required or requested by the Township, County or state for safety reasons.
- Z. Major Changes:** Where the Zoning Administrator determines the requested amendment to the approved Final DPUD Site Plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final DPUD Site Plan significantly alter the intent of the Preliminary DPUD Site Plan, a revised preliminary DPUD Site Plan shall be submitted according to the procedures outlined in Section --- (Application)
- AA. Appeals and Violations:** The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances from the Municipality Zoning Ordinance following final approval of the DPUD. However, the Zoning Board of Appeals shall not have the authority to reverse the decision of the Township Board on a DPUD preliminary, or final site plan, change any conditions placed by the Planning Commission, or Township Board or grant variances to the DPUD site plan, written DPUD agreement or the requirements of this article.
- BB. Violations:** A violation of the DPUD plan or agreement shall be considered a violation of this Ordinance.
- CC. Severability** In the event of a conflict between this Ordinance and any applicable state or federal law or regulation, the state or federal law shall control. The invalidity of any provision of this Ordinance shall not affect the validity of the remaining provisions.



### Example of Data Center Diagram



Source: [Loudoun County Zoning Ordinance Data Center Standards](#)



## **Sources**

### **Façade, Setbacks & Diagram**

Loudoun County, VA: Data Center Ordinance:

<https://online.encodeplus.com/regs/loudouncounty-va-crosswalk/doc-viewer.aspx#secid-859>

### **General Guidelines and Parking Standards**

Urban Land Institute. "Local Guidelines for Data Center Development." Washington, D.C.:

Urban Land Institute, 2024. [https://knowledge.uli.org/-/media/files/research-reports/2024/uli-data-center-whitepaper\\_hm\\_2024-11-12\\_final-final-round.pdf](https://knowledge.uli.org/-/media/files/research-reports/2024/uli-data-center-whitepaper_hm_2024-11-12_final-final-round.pdf)

### **General Guidelines, Definitions, Environmental Analysis Buffer & Landscape Standards**

York County , Planning Commission Model Ordinance-

<https://www.ycpc.org/DocumentCenter/View/5537/Data-Centers-Model-Ordinance-PDF>

### **Safety, Environmental Compliance**

Cohoctah Township, Planning Commission Draft Ordinance & Discussion

<https://mccmeetings.blob.core.usgovcloudapi.net/cohoctahmi-pubu/MEET-Packet-f50395a2ff174bb0bcb470ffe8652664.pdf>

### **PUD Application Review and Procedures**

Genoa Township, PUD Ordinance, Article 10

<https://www.genoa.org/government/ordinances/ordinance-zoning>