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BENTON CHARTER TOWNSHIP
EATON COUNTY, MICHIGAN
DATA CENTER FACILITY
ZONING ORDINANCE AMENDMENT
ORDINANCE NO._____

At a meeting of the Township Board of Benton Charter Township, Eaton County, Michigan, held at the Benton Charter Township Hall at 5136 Windsor Hwy., Potterville, Michigan 48876 on _____, 2026, at _____ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____.

An Ordinance to amend the Benton Charter Township Zoning Ordinance, as amended, to regulate Data Centers, add Data Centers as a special land use, including applicable application requirements and performance standards, and provides for Data Centers in the Industrial District.

BENTON CHARTERTOWNSHIP, EATON COUNTY, MICHIGAN ORDAINS:

SECTION 1. AMENDMENT TO ARTICLE 2: The Benton Charter Township Zoning Ordinance, Article 2, shall be amended to add the following definitions to the respective subsections:

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 twelve (12) months will be considered abandoned and subject to abandonment and decommissioning provisions.

B. Backup Generators. Natural Gas, diesel, hydrogen fuel cells UPC, Power Storage System or other non-coal equipment used to generate electricity during a power outage or similar emergency. Backup generators are only to be used during periods of outages, natural disasters or similar "emergency events" for power generation and for regular reliability testing and exercising.

C. Cooling System: Any system, equipment, or apparatus used to regulate temperature and/or humidity within a Data Center, including but not limited to air conditioning units, cooling towers, and liquid cooling systems.

D. Closed loop Cooling System. A process to cool the heat generated by on-site servers and other related components of the Data Center by withdrawing water that is then recycled for cooling purposes and additional water is only withdrawn to replace what is lost through evaporation, allowing the water supply to be used continuously.

E. Data Center. A facility or operation consisting of computer systems and associated equipment designed, constructed, and operated for the primary purpose of intake, processing, storage, and/or distribution of computer data and electronic

information. Associated equipment shall include all buildings, structures, and components used in the operation of the Data Center, including but not limited to servers, routers, switches, storage devices, cooling systems, backup power systems, electrical distribution systems, and telecommunications equipment.

F. 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.

G. Daytime. The period of a day beginning at 7:00 a.m. and ending at 7:00 p.m., each day of the week.

H. Decibel (dBa). A unit for measuring the volume of a sound on the A-weighted scale.

I. 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.

J. Nighttime. The period of the day beginning at 7:00 p.m. and ending at 7:00 a.m., each day of the week.

K. Noise Attenuation. The reduction of noise levels through the use of sound-absorbing materials, architectural design techniques, and/or other suitable means.

L. Noise Disturbance. Any sound which annoys or disturbs a reasonable person of normal sensitivity or endangers or injures person or real property.

M. Non-Participating Property. Any lands that do not have an agreement with an applicant or developer to host or participate with a Data Center.

N. Participating Property. Any lands that have an agreement related to a Data Center.

O. Recycled Water System. A practice of using and repurposing water and wastewater for alternative uses such as cooling a Data Center, its components, and accessory uses.

Sensitive Land Uses: A land use that includes educational facilities (pre-K through 12), college dormitories, commercial childcare facilities, hospitals, long term care facilities, nursing homes, retirement homes, campgrounds, parks (excluding linear trails), and dwellings.

SECTION 2. AMENDMENT TO ARTICLE 9: The Benton Charter Township Zoning Ordinance, Section 9.02(2), "District I", Industrial District shall be amended to add Data Centers as a special use permit under subsection P.

SECTION 3. AMENDMENT TO ARTICLE 14: The Benton Charter Township Zoning Ordinance, Article 14 shall be amended to add Section 14.48 to state as follows:

SECTION 14.48 DATA CENTERS

1. **Intent & Purpose.**

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The purpose of this Section is to promote the effective and efficient use of Data Centers. It is the intent of the Township 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. Special Use and Site Plan Standards.

A. Data Centers are subject to the review process set forth for special use permits under Article 14 of this Zoning Ordinance as well as the site plan review standards under Article 15. To the extent there is any conflict between the general requirements under Chapters 14 and 15, and this section, this section shall control.

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

A. *Placement and Setbacks***.** Data Centers shall be arranged, designed and constructed to be harmonious and compatible with the site and surrounding properties. Data Centers shall be sited to minimize the visual impacts of the bulk of the building on a line-of-sight basis from adjacent public streets and Sensitive Land Uses and to minimize the impacts to natural resources. Data Centers shall comply with the minimum setbacks applicable to the Industrial District except as otherwise provided in this Section.

i. No setbacks shall apply between participating properties hosting the same project. Data Center buildings, accessory structures, and all other associated equipment must be set back as follows: At least 100 feet from all non-participating property lines.
ii. At least 300 feet from the nearest point of a habitable structure.
iii. At least 100 feet from the public road rights-of-way.
iv. Parking lots for Data Centers shall be setback at least 100 feet from public road rights-of-way and 250 feet from all non-participating property lines.

B. *Cooling Systems.* Cooling system components including chillers, fans, and compressors must be surrounded by full height sound attenuation screening that must be designed to blend with the architectural style, materials, and color of the building:

i. If roof mounted, there must be a 1,500-foot minimum setback from the sound attenuation screening to the closest Sensitive Land Use lot lines. This distance is measured from the nearest part of the sound attenuation screen to the property line of the Sensitive Land Use.
ii. If ground mounted, there must be a 1,000-foot minimum setback from sound attenuation screening to the closest Sensitive Land Use lot lines.

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This distance is measured from the nearest part of the sound attenuation screen to the property line of the Sensitive Land Use.

C. *Generators.* Generators shall be located within full acoustic enclosures to the maximum extent possible. Enclosures must be designed to blend with the architectural style, materials, and color of the building and cannot be located within 1,000 feet of any Sensitive Land Use, measured from the nearest part of the enclosure to the property line of the Sensitive Land Use. Roof mounted generators are prohibited.

D. *Battery Energy Storage Systems (BESS).*

i. BESS for a Data Center located within the project boundaries shall be designed and constructed in accordance with the NFPA (National Fire Protection Association) 855 standard including as may be periodically updated.

ii. 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.

iii. 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.

iv. 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.

v. All BESS shall be equipped with safety systems as outlined below:

a. Hazard detection system.

b. Explosion detection system.

vi. Specifically, and without limitation, BESS sound emissions shall comply with the noise requirements prescribed in this Section.

E. *Height of Data Center***.** The Data Center, except for electric distribution and transmission poles, shall be no greater in height than the maximum height of 45-feet. *(VERIFY WITH FIRE DEPARTMENT)*

F. *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 post-development stormwater

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run-off exceed pre-development stormwater run-off as determined by the Eaton County Drain Commission (ECDC) under an applicable stormwater ordinance or regulation. The requirements of this provision shall apply to all perceptible subsurface and vertical heat dissipation.

G. *Landscaping/Screening.* Landscaping and screening shall conform to the requirements of the Ordinance. The Planning Commission may require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening, or other appropriate measures on a site-specific basis. In making this determination, Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a Data Center is proposed to be located on property adjoining or within the view of Sensitive Land Use. Landscaping and screening shall also comply with the requirements and standards as set form in Section 11.11 of the Ordinance.

H. *Off-Street Parking Requirements***.** A minimum of 1 parking space per employee on the largest shift is required, plus an additional 3 visitor spaces. A minimum of one loading space is required. Loading spaces/bays are only permitted to be located on one facade of the Data Center Principal Building. Off-Street parking shall also comply with the requirements of Article 16 of this Ordinance.

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. *Sound***.** The Data Center must comply with all federal and state regulations related to noise thresholds and any Zoning Ordinance Industrial District noise limitation. In addition, except as otherwise allowed in this Section, noise levels shall not exceed the following noise thresholds as measured at the Data Center property line shared with any non-industrial use or the property line of the closest Sensitive Land Uses as follows:

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i. The applicant shall demonstrate through a sound study conducted by a qualified acoustical expert that the sound generated by a Data Center meets the following levels:
   a. No sound shall exceed 55 dB(A) weighted (Laeq-10 min) between the daytime hours of 7am to 7 pm.
   b. No sound shall exceed 45 dB(A) weighted (Laeq-10 min) between the nighttime hours of 7pm and 7am.
   c. No source of steady tonal sound shall exceed 65 dB(C) weighted (Lceq-10 min) at any time.
   d. Octave Bands (dBz) will be maintained at acceptable levels.

ii. Required Sound Studies: A sound study shall be conducted at the following three phases:
   a. *Preliminary Sound Study*. A preliminary study shall be conducted as part of the special use process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits. The preliminary study shall include a sound frequency and transmission analysis that addresses the frequency and transmission of sound to prevent broadband noise and low-frequency hums that cause degradation to public health and property. The analysis must model how sound will transmit from the facility to the property lines, accounting for topography, existing vegetation, and proposed structures. The study must calculate the projected noise transmission when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. The sound study must specifically evaluate the potential for broadband noise and low-frequency hums generated by cooling systems and generators. The description of sound in the study must include characteristics regarding duration, intensity, and frequency. The study shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.
   b. *As-Built Sound Study*. An as-built sound study shall be conducted within six (6) months after operation to establish conformance with the noise standards set forth within the Ordinance and any conditions of approval.

iii. *Vibrations*. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, or associated equipment, will be perceptible to the human sense of feeling beyond the property line.

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a. No Data Center shall be operated, maintained, or tested in a manner that generates a ground-borne vibration level exceeding a Peak Particle Velocity (PPV) of 0.01 inches per second (in/s) at any point along the Data Center's property line. This limit applies across all vibration frequencies between 1.0 Hz and 100 Hz. The 0.01 in/s PPV threshold applies to measurements taken in any of the three mutually perpendicular axes (vertical, longitudinal, or transverse). If any single axis exceeds 0.01 in/s, the Data Center is in violation of this Ordinance.

b. Generators must be equipped with vibration isolation and mitigation systems.

c. Data Centers must have continuous vibration monitoring at spacing of no less than 500 feet along all property lines which site within 1,000 feet of the property line of any Sensitive Land Use.

L. *Lighting*. A lighting plan for the Data Center shall be approved by the Township. Such plan must describe all lighting that will be utilized. 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.

i. *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.

ii. *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.

iii. *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.

iv. *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.

v. *Lighting After Hours*. Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures

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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.

vi. *Dark-Sky Friendly Lighting*. The Data Center must implement dark sky-friendly lighting solutions. The facility must produce zero footcandles of light at the property line.

M. *Water Usage Standards*. A Data Center shall maintain a Water Usage Effectiveness of no more than two tenths (0.2). As used in this Section, "Water Usage Effectiveness" or "WUE" is defined as the ratio of total annual building water consumption (liters) to information technology equipment energy consumption (kilowatt-hour). Evaporative cooling is prohibited.

N. *Energy Usage*.

i. Data Center facilities must be designed to maintain a Power Usage Effectiveness of no more than one and two-tenths (1.2). As used in this Section, "Power Usage Effectiveness" or "PUE" is defined as the ratio of total facility energy consumption divided by the total IT equipment energy consumption (servers, switches, storage devices, etc.). Total facility energy includes all power entering the building, such as cooling systems, lighting, power delivery components, and IT equipment. IT equipment energies include only the power used by computers, servers, storage, and networking devices.

ii. Data centers must be designed and operated in compliance with the energy code requirements specified in whichever of the following is most stringent:

a. The latest adopted Michigan Energy Code;
b. The latest published ASHRAE Standard 90.4; or
c. Michigan-specific data center energy code requirements adopted by rule, which may include more detailed criteria.

iii. The Data Center shall have on-site energy storage capable of supplying not less than fifty percent (50%) of the facility's peak electrical demand for a minimum duration of fifteen (15) minutes, for purposes including grid stabilization, brownout mitigation, and peak-load support. Energy storage systems shall be configured to prioritize discharge during utility-declared peak events and grid emergencies to reduce localized voltage sag, transformer overload, and outage risk in surrounding neighborhoods.

iv. The Data Center must demonstrate that it will supply the Center's energy needs independently of the current energy available within the Township and that it complies with all state and federal requirements for the provision of energy to supply its needs.

O. *Generator Operation.* Testing and exercising activities of generators are limited to 9am to 5pm weekdays and are prohibited on any State holiday. No more than two (2) generators shall be tested simultaneously. The use of other backup power sources which serve to reduce or eliminate diesel generator noise and emissions shall be utilized to the maximum extent practicable. All generators must be U.S. EPA Tier 4 compliant.

   i. General Impacts. Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried out in such a manner that it is not perceptible at or beyond the Data Center property line.

P. *Public Safety.* All Data Centers must develop and comply with an Emergency Response Plan and Fire Response Plan that shall provide reasonable protection of the public health, welfare and safety during all phases of construction and operation.

Q. *Signage.* The Data Center shall post all necessary signage to comply with any applicable electrical, building, and fire codes. Clearly visible warning signs shall be located at the base of any transformers, substations, or electrical components handling energy capable of causing harm to human beings. The Data Center operation shall provide a 24-hour emergency contact signage visible at the access entrance.

R. *Access Drives.* The Data Center shall provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at the security gate. The Data Center shall include access drives sufficient to accommodate adequate emergency response to all components. Access drives shall comply with the requirements of the Eaton County Road Commission (ECRC) and/or the Michigan Department of Transportation (MDOT) and be reviewed prior to Final Site Plan approval.

S. *Surface Water Runoff.* All surface water runoff created by construction and operation of the project shall be effectively managed on-site. Requirements and method of stormwater management shall be reviewed and approved by the Eaton County Drain Commission (ECDC) prior to operation of the site commencing.

T. *Building and Electrical Codes.* The Data Center and all associated equipment shall comply with all applicable building and electrical code requirements and any applicable federal or state regulations. An engineer, licensed in the State of Michigan, shall provide written certification that the design, installation, and any interconnections are compliant with manufacturer and industry standards,

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all applicable local construction and electrical codes, and any applicable federal or state regulations.

U. *Permits.* All Data Centers shall be required to apply and obtain all necessary permits, including but not limited to building, electrical, plumbing, and mechanical permits.

i. A copy of permits obtained by the Data Center owner, applicant and/or operator, shall be made available for the Township review upon request.

V. *Transmission and Distribution Lines.* Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer's engineer or a qualified engineer employed by the utility that owns/operates the electrical power grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.

W. *Transfer of Ownership.* No transfer in ownership of the Data Center shall occur prior to providing 60 days' notice to the Township and upon Township approval verifying that the new owner has the ability and means to carry out the terms of the special land use and site plan approval and agrees in writing to carry out such terms. Approval shall not be unreasonably withheld by the Township.

X. *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.

Y. *Environment and Community Impact*. A Data Center shall provide, at time of application for special land use permit, detailed analysis by qualified individuals of the Data Center's impact on the environment of the site and surrounding area, and the impact on the community. All environmental impacts must be in compliance with Federal, State, and local standards.

Z. *Construction Hours*. Construction Hours shall be limited to 7am to 7pm Monday through Saturday unless otherwise approved by the Planning Commission.

AA. *Decommissioning and Removal.*

i. All Data Centers shall be required to provide a Decommissioning Plan and comply with said plan and the requirements of this Section for the lifetime of the project.

ii. The Decommissioning Plan shall include the following:
   a. State the anticipated life of the project;
   b. Describe estimated decommissioning costs in current dollars and provide that this figure will be updated every fifth (5^{th}) year after commencement of operation of the system;
   c. Define the conditions upon which decommissioning will be initiated. At a minimum decommissioning shall be required if the Data Center is abandoned. Abandoned shall mean that the Data Center ceases operations for a period of 12 months, unless the current party responsible provides sufficient evidence and guarantee of the intent to resume operations to the Planning Commission.
   d. State that decommissioning will allow the Data Center to be repurposed for general industrial use through the removal of aspects of the Data Center specific to use as a Data Center.;
   e. Describe the timeframe for completion of decommissioning activities;
   f. State the party responsible for decommissioning.

iii. The Applicant shall further submit a Decommissioning Agreement to be signed by the Applicant, operator, or party responsible for decommissioning and shall bind all successors, heirs and assigns.
   a. An applicant for a Data Center, prior to construction, must enter into a decommissioning agreement acceptable to the Township Board before issuance of required permits for construction specifying the obligations of decommissioning and includes terms noting:
      01. Decommissioning obligations must be assigned to any future owner or operator of the Data Center;
      02. The Township will have land rights to perform decommissioning itself with a posted financial assurance should it need to decommission a project;
      03. The anticipated life of the project before decommissioning;
      04. How the Township will receive land access rights to decommission the project should it be required to decommission the project;
      05. 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 five (5) years by a mechanism acceptable to the Township, including but not limited to, an inflationary index or review of decommissioning costs by a professional engineer, licensed in the State of Michigan, or other qualified professional and that the financial assurance required for decommissioning to be posted with the Township will be updated at a minimum of every five (5)

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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.

iv. Decommissioning shall begin within 6 months of abandonment or other trigger and shall be completed within 18 months.

v. 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 notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.

vi. 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 12 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 18 months of abandonment, the Township is permitted to enter the property and physically remove the installation at the owner's expense.

vii. 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 Township. 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.

viii. The Decommissioning Plan shall include financial assurance in the form of a bond. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the Data Center, as calculated by a third party with expertise in decommissioning, hired by the applicant. Salvage value shall not be included in the estimated cost of decommissioning. The financial assurance must be posted in at one-hundred-and-twenty five percent (125%) total decommissioning value by the start of full commercial operation and be continuously maintained for the period of the life of the Data Center. During construction a financial assurance must be maintained in an amount to return the site to its original condition and such assurance shall be

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required until the full financial assurance is provided at the start of the full commercial operation.

BB. *Maximum Lot Coverage.* Lot coverage shall not exceed the land use district maximum or sixty (60%) percent, whichever is less.

CC. *Complaint Resolution***.**

i. 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 Township for distribution to residents. A Data Center owner or operator shall acknowledge receipt of such complaints within seven days and shall resolve complaints within 30 days unless impractical in which case the owner or operator must notify the Township 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 Township 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 Township of any received complaints and resolutions to complaints on a monthly or bi-monthly basis.

DD. *Compliance***.** All Data Centers shall comply with all applicable local, state, and federal laws and regulations including obtaining any required permits.

EE. *Conditions.* The Township may impose additional reasonable conditions for the approval of a Data Center.

4. Development Agreement.

A. The Planning Commission shall require a development agreement between the applicant/property owner and the Township to ensure completion of the approved site plan and continued compliance with required standards. The development agreement may address, but is not limited to, the following:

i. The property's legal description;
ii. The zoning district in which the property is located;
iii. The site plan as approved;
iv. Conditions of site plan approval;
v. Security for general improvements;
vi. Compliance with standards during and after development;

vii. Maintenance of the site during and after development;
viii. Open area maintenance;
ix. Stormwater management;
x. Roads and drives;
xi. Sewer and water;
xii. Township engineer approval of construction plans;
xiii. Easements for and assignments of utility lines;
xiv. Pedestrian sidewalks;
xv. Tree preservation;
xvi. Wetland preservation;
xvii. Landscaping;
xviii. Electricity and gas use;
xix. Lighting;
xx. Construction access;
xxi. Construction work schedule;
xxii. Performance guarantee;
xxiii. Engineering plans and certifications;
xxiv. Site grading and setbacks;
xxv. Monuments and markers;
xxvi. Warranties;
xxvii. Proceedings for failure to maintain repair or preserve development elements;
xxviii. Reimbursable costs to the Township;
xxix. Enforcement procedures;
xxx. Duration of agreement; and
xxxi. Construction oversight.

5. 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 site plan information showing compliance with the requirements set forth both, and set forth in Articles 14 and 15 of the Zoning Ordinance.

i. *Site Plan*. A site plan, as required under Article 15 of the Zoning Ordinance. This shall include, in addition to items required in Article 15, the following:

a. Distances from the Data Center from all existing and proposed structures/buildings and fencing on the site, to all lot lines including to all boundaries of a leased site, where applicable, and to all structures/buildings within 2,000 feet of the subject property.

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b. The means of ingress and egress which demonstrates compliance with any applicable fire and emergency response regulations and the requirements of the Eaton County Road Commission (ECRC).
c. A landscape plan depicting all proposed changes to the landscape of the existing site, including grading, vegetation removal, fencing and vegetative screening.
d. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the subject property and surrounding area.

ii. *Contact Information*. The complete name, address, and telephone number of the applicant.
a. The name, address, and contact information of the proposed operator of the Data Center, if different from the applicant.

iii. *Participating Property.* The address and parcel number of each property to be used for the Data Center, including demonstrated proof of ownership, lease, or easement permitting all proposed construction on said property.

iv. *Written 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 uses 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 life expectancy of the project with repurposing or augmentation and detail plans and schedules for repurposing or augmentation activities.
e. If the project anticipates future phases, the description shall clearly delineate the phases so that each phase is distinct and clear.
f. Additional information required by the Township as it relates to the site plan.

v. *Special Land Use Standards.* The applicant shall provide a description of each Special Land Use standard under Article 14 of this Ordinance, a detailed statement demonstrating compliance with each Special Land Use standard, and all information and supporting materials relied upon by the applicant in support of their statement of compliance.

vi. *Data Center Standards and Obligations.* A description of each standard described in this Section, a detailed statement demonstrating compliance with each standard, and all information and supporting materials relied upon by the applicant in support of their statement of

compliance (i.e., sound studies and modeling, vibration studies and modeling, environmental studies, etc.).

vii. *Environmental Impact Statement.* The applicant shall prepare a written environmental impact statement which describes the expected direct impact of the Data Center on the environment and natural resources and how the applicant intends to address and mitigate these impacts.

a. This includes any impact on water quality, water supply, or potential groundwater contamination and methods to avoid such impacts on water sources.

b. The applicant shall describe all environmental features of the proposed project site and surrounding area, including natural resources, waterways, flora and fauna which may be impacted by the proposed project. The description should include the anticipated impacts on the environment and habitats and mitigation measures for such impacts.

viii. *Public Health and Safety*. Information on the effects of the Data Center on public health and safety.

ix. *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.

x. *Stormwater*. A stormwater assessment and a plan that will require approval by the Eaton County Drain Commissioner to minimize, mitigate, and ensure that post-development water surface run-off is consistent with pre-development water surface run-off as applied through applicable standards used by the Eaton County Drain Commissioner.

xi. *Emergency and Fire Response Plan.* An emergency and fire response plan addressing how emergency services providers (EMS, fire, and law enforcement) can respond to emergencies that could occur at the site. 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 successor standard.

a. The emergency response plan shall also be provided by the applicant to Township 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 Township for review.

01. Evidence of consultation or a good faith effort to consult with local fire department representatives, first responders,

and emergency managers to ensure that the Plan is aligned with acceptable operating procedures, capabilities, resources, etc.

b. 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.

c. The emergency response plan must include an obligation for an applicant and owner and operator to provide an emergency phone number (staffed 24 hours a day; 7 days a week) that is accessible by the Township including its fire department.

d. A description of emergency shutdown procedures, how such procedures are triggered, and any effects that an emergency shutdown may have on the operations, utilities, or emergency response plan.

e. A description of if and how the Township and the public shall be notified of emergencies at the Data Center to the extent that such emergencies have the potential to result in impacts on the Township or the public.

f. A description of all on-site equipment and systems to be provided to prevent or handle emergencies.

g. A commitment to review and update the plan with fire departments, first responders, and county emergency managers at least once every three (3) years.

h. Analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies and fund their implementation. Should an emergency response plan identify any necessary resources or training not possessed by a Township emergency services provider, the applicant must identify how it will provide such resources or training to the applicable provider.

xii. *Threat Assessment and Risk Mitigation*. The application must include a comprehensive assessment of potential physical, environmental, and operational threats.

a. *Risk and Hazard Assessment*. Prior to construction, the Applicant shall submit a Risk and Hazard Assessment, which shall be prepared by a qualified professional, and shall evaluate the following at a minimum:

01. *Manmade and Natural Hazards*. The plan shall evaluate the Project site's vulnerability to natural disasters and

manmade hazards, and ensure the location is safe for operations and service delivery.

02. *Hazardous Materials Inventory*. A complete inventory of all battery technologies, fuel storage, and chemical coolants proposed for the site. The assessment must detail potential failure modes (e.g., thermal runaway for batteries) and the specific containment measure proposed. A detailed evaluation of any risk of intentional or inadvertent chemical or hazardous material discharge, the likelihood of such events, risk mitigation measures to prevent such events, and emergency notification and response plans in the case of such events.

03. *Environmental Risks*. A description of all electrical, fire, smoke, and similar environmental risks, their likelihood, and mitigation measures both before and after an emergency.

b. *Physical Security Standards*. The applicant must provide an assessment of physical security standards that consider the following at a minimum:

01. *Perimeter Security*. The applicant shall demonstrate the Data Center is secured to detect and identify unauthorized access and allow for adequate time for a response to undesired conduct.

02. *Access Control*. The Data Center shall demonstrate access control to the system for emergency response to be implemented during construction and post-construction.

03. *Surveillance and Monitoring*. The applicant shall demonstrate that the Data Center will utilize a surveillance system to ensure monitoring of the facility perimeter and allow for the following at a minimum:

(a). Remote incident assessment for response support;
(b). Post-event analysis and investigations;
(c). Live video surveillance and monitoring;

c. *Critical Infrastructure Acknowledgement*. The assessment shall determine whether the facility supports critical services and, if so, ensure priority consideration for utility restoration and emergency access in the event of a natural disaster.

xiii. *Preliminary Electrical Plan*. A preliminary electrical plan for the Data Center showing all underground and above ground wiring, the location of any electrical infrastructure, the location and capacity of any interconnections, and any electrical safety devices.

xiv. *Electric Connectivity Approval.* Information and supporting materials detailing the anticipated PUE, electrical use, maximum possible

electrical load, and pre-approval or authorization from applicable electricity service providers that such capacity is available to serve the Data Center.

xv. *Construction Schedule / Lifespan*. An anticipated construction commencement date, anticipated duration of construction, and anticipated date for project construction. The construction schedule shall include a description of any construction phases for the Data Center, the proposed timeline for construction of each structure or major component, and a description of any areas where future expansion is anticipated. An estimate of the total operating lifespan, in years, of the project before decommissioning. The applicant shall provide a construction schedule that will be imposed upon approval. Upon approval, the applicant shall commit to the approved schedule.

xvi. *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 deposited by the applicant in escrow with the Township shall be estimated by the Township 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 Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. An escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township 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 Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest. To the extent the escrow funds are not sufficient to cover all costs, any amount of costs in excess of the escrow shall be paid by the applicant.

xvii. *Public Water Required***.** Connection to municipal public water with confirmed capacity for operation is required unless approval is provided by the Township that an alternative design will not cause an unreasonable burden on available potable water for those served from the same aquifer sourced for the use. Any water cooling must use a closed loop or recycled water system. Cooling water flushing and refills

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are limited to amounts as approved by the municipal utility providing water, or to the extent it is an alternative design, the Township Board.

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, which shall include addressing thermal impacts from the discharge as well as thermal discharge itself. The water feasibility study shall include the following information at a minimum:
    01. The projected water demands of the Data Center;
    02. The source of water to be used;
    03. A description of any water that 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);
    04. Identification of how or if water will be released into surrounding water bodies and an analysis of environmental impact of each release;
    05. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
    06. The location of all existing wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;
    07. 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;
    08. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
b. *Water Used for Cooling.* Information and supporting materials detailing the type, size and location of all Cooling Systems and water usage including the WUE analysis. Such analysis shall include proof of capacity on public water and sewer systems to support the proposed intake and discharge of water for the Data Center.

xviii. *Discharge Infrastructure Design*. The applicant shall provide a discharge infrastructure design that identifies all anticipated impacts and details specific measures to mitigate, minimize, or avoid such

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impacts to the extent practicable. The discharge infrastructure design must include the following at a minimum:

a. The use of recycled water to reduce potable water consumption and discharge volume;
b. The method of drainage system being utilized in the project;
c. Any use or activity producing air, dust, smoke, exhaust, heat, or humidity, and how those uses will be carried in such a manner that is not perceptible at or beyond the property line;
d. Post-development runoff, and how it will not result in adverse impacts to adjacent properties, public infrastructure, or natural resources;
e. In the event that the Data Center ceases operation, the design must account for safe removal or securing of all wastewater treatment systems, fuel storage for pumps, and potential hazardous materials associated with the cooling infrastructure;

xix. *Adequate Electrical Capacity***.** The applicant shall provide a feasibility study for adequate electrical capacity. The study shall demonstrate that the Data Center shall have adequate electrical capacity from an applicable service provider.

01. 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 so as to cause no negative interference with the service currently received by electric customers within the Township.
02. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the Data Center.
03. The Data Center will not cause electrical interference or fluctuations in line voltage on and off the operating premises.
04. The upgrades/improvements to the electrical infrastructure to support the capacity demands, and an analysis of whether upgrades/improvements to provide electrical capacity to the site will have any increase on electrical customers rates within the area.

xx. *Backup Power.* Information and supporting materials detailing the type, size, and location of all onsite energy storage and backup power generation, and whether and how such equipment is to be tested.

xxi. *Decommission Plan.* A decommissioning plan as described in this Section.

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xxii. *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 Township 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 Township while at the same time protecting disclosure of the documents to the extent permitted by the Michigan Freedom of Information Act.

xxiii. *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 Township.

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

xxv. *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 Eaton County Road Commission, and the applicant shall ensure that any damage caused to roadways to the satisfaction, standards and requirements of the Eaton County Road Commission (ECRC) and/or the Michigan Department of Transportation (MDOT).

xxvi. *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, as amended, or any applicable local fire code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855.7.4.4, as amended, or any applicable local 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.

xxvii. Other information the applicant finds relevant or wishes to present to the Township.

xxviii. Other information reasonably required by the Township.

6. Small-Scale Operation Exception

A. The provisions of this Section shall not apply to a Data Center which is constructed and operated solely as an accessory and subordinate use to an existing principal use on a property, so long as that Data Center is (1) housed entirely within existing structures which conform to all zoning and other permit requirements, (2) creates no adverse impacts on adjacent land uses, and (3) requires no additional approvals from a utility provider with respect to electrical or water usage.

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 Township may use the content of this Ordinance and compile/insert it into the existing Benton Charter Township Zoning Ordinance document including making any technical provision numbering or clerical revisions as necessary for the compilation. See MCL 66.3a (ability of Township 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.

_____

Gary Suits, Benton Charter Township Supervisor

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CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Benton Charter Township at a duly scheduled and noticed meeting of that Township 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 Benton Charter Township, 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 Township voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Eaton County Clerk on _____, 2026.

ATTESTED:

_____
Carah Spadafore, Benton Charter Township Clerk

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NOTICE OF ADOPTION
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. _____

Benton Charter Township
Eaton County, Michigan

The Benton Charter Township Board adopted an amendment to the Benton Charter Township Zoning Ordinance on _____, 2026. The ordinance amendment regulates the development of Data Centers within the Township, adds Data Centers as a special land use permitted within the Industrial District, and provides the applicable application requirements and performance standards. 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 Township Clerk's office located in the Benton Charter Township Hall at 5136 Windsor Hwy., Potterville, Michigan 48876. The ordinance amendment contains the following catchlines: Section 1. Amendment to Article 14; Section 2. Amendment to Article 9; Section 3. Amendment to Article 2; Section 4. Severability; Section 5. Repeal and Form; Section 6. Effective Date.

Carah Spadafore, Township Clerk
5136 Windsor Hwy.
Potterville, Michigan 48876
Tel: 517-645-7880
bentontownship.clerk@gmail.com

Publication Date: _____, 2026

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