

CHAPTER VE

300.290C - Technology Innovation district

300.290C.01 - Intent.

Sec. 5E.01. The Technology Innovation district is to provide an environment where large scale high technology uses and functions such as engineering, design, research and development, data processing, computer centers, data centers and hyperscale data centers may be located while protecting the health, safety and welfare of the users of the district and residents of the city. Advances in technology have created uses which are related to industrial uses, but due to the number and size of structures involved are not appropriate or function adequately in other districts. To ensure that the uses particular to this district comply with the purposes set forth in section 300.231, the development must be attractive with buffering between properties adjacent to the district and designed in a manner that is consistent with the character of surrounding areas. The district is intended for uses with limited visits by the general public.

300.290C.02 - General Compatibility.

Sec 5E.02. No use, activity, or operation permitted within this district shall be conducted in a manner that is injurious, noxious, or offensive to adjacent or neighboring land uses; interferes with the reasonable use or enjoyment of life or property; or tends to depreciate the value of surrounding property due to noise, vibration, glare, lighting, emissions, traffic, visual impact, or other nuisance conditions.

300.290C.03. - Uses authorized by special use permit (SUP).

Sec. 5E.03. High technology service uses the principal function of providing services including computer information transfer, data storage, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services.

Sec. 5E.04. Data processing and computer centers, commonly referred to as data centers, including service and maintenance of electronic data processing equipment.

1. A building primarily designed for equipment density rather than human occupancy.

300.290C.04 - Development standards.

Sec. 5E.05. Any use of land or structures in this district shall comply with the mixed use district in 300.290B, however, when any of the mixed use district standards are in conflict with this section, the standards in this section shall supersede such standards.

300.290C.05 - Preliminary site plan review and approval.

Sec. 5E.06 The following preliminary site plan review and approval shall be met as a condition of approval of any special use permit within the Technology Innovation district.

1. Intent and purpose. All uses of land and structures which are subject to the requirements of this ordinance shall receive preliminary site plan review and approval prior to the submission of a final site plan.
2. Preliminary site plan application. The owner or designated agent shall file an application requesting preliminary site plan review and approval with the zoning official. The application shall be accompanied by the information required in this section and be accompanied by the appropriate fees as established by resolution of the township. In addition to any other requirements set forth in other sections, applicant shall include the following:
 - a. A water feasibility study. The purpose of the study is to determine if there is adequate supply of water for the proposed use and to estimate the impact of the use on city water, existing wells, groundwater and surface waters in the vicinity. No application shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum.
 - i. The projected water demands of the facility and other improvements to the property.
 - ii. The source of the water to be used.
 - iii. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage).
 - iv. The long-term safe yield of the water source. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means.
 - v. A geological map of the area with a radius of at least one mile from the site.
 - vi. The location of all existing and proposed wells within 2,000 feet of the property boundary, with a notation of the capacity of all high yield wells.
 - vii. 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.
 - viii. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
 - b. Water.
 - i. Applications shall demonstrate the adequacy of water for firefighting situations, without impacting local private wells.
 - ii. Construction activities, including any required blasting, shall not impact

the public water supply, nearby wells, or groundwater aquifers.

- c. City services study. Applicant shall conduct and provide the city with a study evaluating the type, size and quantity of fire-fighting equipment available in the township at the time of application compared to the type, size, quantity, and cost of fire-fighting equipment that will need to be added to serve a facility of projected size and for its particular technology use.
- d. Generator Emissions Dispersion and Stack Design. Pursuant to MCL 125.3504, and to ensure compatibility with adjacent land uses and protection of public health, safety, and welfare, prior to approval of any site plan or special use permit authorizing standby generators, the applicant shall submit an air dispersion modeling analysis prepared by a qualified air quality professional using EPA approved AERMOD modeling or a successor model approved by the township. The analysis shall evaluate worst-case and cumulative emissions, including emergency and testing operations, meteorological conditions affecting dispersion, and impacts at adjacent residential and sensitive land uses. Exhaust stacks shall be designed and located to prevent plume downwash, re-entrainment, or ground-level concentration of emissions at or beyond the property boundary with stack height no less than that demonstrated by modeling to concentrations at any residential property that exceed applicable state or federal ambient air quality standards or health-based thresholds. The township may retain, at the applicant's expense, an independent consultant to review modeling and stack design and may condition approval on modifications necessary to ensure compatibility and compliance with this section.

300.290C.06 - Eligibility.

Sec. 5E.07 The following minimum eligibility criteria shall be met as a condition of approval of any special use permit within the Technology Innovation district.

- (a) Acreage: It must be included within a rezoning application pertaining to a minimum of 300 contiguous acres. Alternatively, a property will be eligible if its acreage plus the acreage of contiguous property that is already zoned as Technology Innovation district will equal at least 300 acres. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.
- (b) Availability and capacity of public services: The proposed type and intensity of use shall not result in an unreasonable burden on public services, facilities and utilities and shall also comply with sections 300.743 and 300.745.
- (c) Compatibility with the master plan: The proposed development shall be in accordance with the goals and policies of the city's Master Plan.
- (d) Economic impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
- (e) Location: No Technology Innovation use shall be permitted within a 1,000-foot radius of a school, library, park, playground, licensed group day care center, church, convent, monastery, synagogue or similar place of worship or public congregation. Measurement

of the 1,000-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the proposed use and the places of public congregation are situated.

- (f) Environmental Impact assessment and feasibility: The applicant shall provide a detailed report assessing the project's impact on local air quality, water resources, wildlife habitats and migration patterns, and any designated wetland or rare or unique habitats and natural areas. The report shall also include risk assessment pursuant to Environmental Management System ISO 14001 standards. This report shall be prepared by a licensed Environmental Engineer selected by the city, and will be funded by the applicant.
- (g) Air Pollution Plan: Steam containing dissolved materials, chemical impurities, carbon emissions, dust, debris and chemical emissions shall require filtering and drift eliminators to mitigate pollution from cooling exhaust and shall meet regulatory compliance standards for environmental emissions and public safety standards.
- (h) Traffic Study: An analysis of traffic impacts during construction and ongoing operations shall be prepared by a licensed traffic engineer. The study must address effects on local roads and highways and recommend any necessary improvements and/or repairs, which may be funded by the developer. The applicant may be required to enter into a road maintenance agreement with the Allegan County Road Commission to maintain roads, utilized during construction in a well-maintained manner that ensures pedestrian and traffic safety.
- (i) E-Waste Plan: The plan must demonstrate a sustainable information technology lifecycle strategy, recovery of metals, plastic, and other components, and refurbish or repurpose, recycle, and other methods that reduce electronic waste in landfills and unregulated dumpsites.
- (j) Utilities Interconnection: No grid-connected facility shall be installed until the facility owner(s) and/or operators(s) submit a completed interconnection agreement with the electric utility in whose service territory the facility is located. Certificate by Midcontinent Independent System Operator (MISO), the regional transmission organization, stating that sufficient power is available is required.
- (k) Building Height. The maximum building height shall be forty-five (45) feet.
- (l) Public street right-of-way, easements. The property owner shall dedicate property for right-of-way for public street construction and improvement to the township or county, as applicable, in compliance with relevant regulations as required by the approved site plan. The property owner shall grant easements to the township or county, as applicable, which are adjacent to the aforementioned rights-of-way to the minimum extent necessary, or as required by this section, to provide for access to, and the installation and maintenance of street improvements, and/or utilities or other structures.

300.290C.07 - Parcel dimensional requirements.

Sec. 5E.08 The following minimum requirements shall be met as a condition of approval of any special use permit within the Technology Innovation district.

1. Minimum Parcel Area. The minimum parcel size within the district shall be fifty (50) acres. This requirement may also be satisfied by a combination of contiguous parcels under common ownership of a minimum combined size of fifty (50) acres.
2. Parcel Frontage. All parcels shall abut a public street except where one of the following applies.
 - a. An adjacent parcel or parcels under common ownership with the subject parcel has frontage on a public street.
 - b. A legally binding perpetual vehicular access easement over an adjacent parcel or parcels with frontage on a public street that are not under common ownership with the subject parcel is placed on record with the county and provided to the city prior to preliminary site plan approval.
3. Parcel width, depth. All parcels shall have adequate width and depth to provide setback distances as required by this chapter.
4. Maximum Parcel Coverage. The maximum parcel coverage by all structures shall be 50%.

300.290C.08 - Setback, buffering, and screening requirements

Sec. 5E.09 Any use of land or structures in this district shall comply with the mixed use district in 300.290B, however, when any of the mixed use district standards are in conflict with this section, the standards in this section shall supersede such standards.

1. Screening generally. Whenever possible, locally native trees, woodland shrubs and other naturally occurring features shall be incorporated into a site plan. Given the possibility of natural features being relocated or removed, a greenway edge network shall be established along the periphery of the district. This greenway shall be located within the required setback area along public street frontages and boundaries to adjacent property outside of this district with a residential use or in a residential zoning district. If existing natural features are located within the greenway area, berm requirements may be modified or omitted subject to site plan approval, and the existing features utilized to achieve screening consistent with the requirements of this section.
2. Street and property setback, buffering and screening. The following minimum setback, buffering and screening requirements shall apply to principal and accessory structures and parking areas in a development that is adjacent to a public street right-of-way or adjacent to property outside of this district.
 - a. The minimum setback for buildings, structures, service, and loading areas shall be one thousand (1,000) feet. A berm shall be placed in the setback area along the district boundary in compliance with this section.
 - b. The minimum setback for parking areas shall be one hundred (100) feet.
 - c. The minimum setback requirement for structures and parking areas to adjacent property outside of this district with a residential use or in a residential zoning district shall be fifty (50) feet when said property is

- under common ownership of the subject property.
- d. Landscape/Greenbelt and Berms are to be constructed as required by the standards in 300.231.
 - e. Fencing and walls are to be constructed as required in sections 300.228 and 300.231.
3. Construction Site Setup. During any phases of construction there shall be a minimum fifty (50) foot setback from a public street right-of-way or adjacent property outside this district for parking areas, material laydown and storage tanks and a minimum one hundred (100) foot setback from a public street right-of-way or adjacent property outside this district for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas shall be screened so that they are not visible from a public street or adjacent property outside of this district with residential use or in a residential zoning district.
 4. Non-street, non-residential setback. The required minimum setback from district boundary lines that are not adjacent to a public street right-of-way or to property outside of this district with a residential use or in a residential zoning district shall be a minimum of 1,000 feet for buildings, structures, service areas, loading areas and one hundred (100) feet for parking areas.
 5. Interior Setbacks. There shall be a zero minimum building and parking area setback requirement from interior parcel lines within this district when the parcels on each side of a parcel line are under common ownership. When adjoining parcels are not under common ownership, the minimum setback requirements shall be fifty (50) feet for structures and twenty (20) feet for parking areas.

300.290C.09 - Outdoor storage and hazardous materials

Sec. 5E.10 The following storage and hazardous materials requirements shall be met as a condition of approval of any special use permit within the Technology Innovation district.

1. Outdoor Storage. Outdoor storage of materials, equipment, and supplies shall be permitted. Outdoor storage areas for these items are not required to be screened if located to not be visible from a public street right-of-way or from ground level at a distance of two hundred (200) feet from any perimeter boundary line of a parcel that is not under common ownership. Otherwise, such outdoor storage areas shall be fully screened to a height of eight (8) feet. Outdoor storage areas, whether screened or unscreened, shall comply with minimum setback requirements in this section.
2. Hazardous Materials. Due to the nature of the permitted uses in this district, hazardous waste and materials storage and processing is anticipated.
 - a. Anit-freeze or heat-transfer fluids (e.g. propylene glycol/ethylene glycol used in closed loops must be non-hazardous where feasible.
 - b. The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for site

plan review. This statement shall also provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that will be implemented upon the occurrence of an event that does, or has the potential to damage the environment, persons, or property. This information shall be provided so that relevant city departments and public safety providers will have notice of the presence of these storage and processing operations.

- c. All such storage and/or processing shall comply in all respects with local, state and federal law and regulations, and shall not be undertaken until such time as all necessary permits are received and copies of the same are provided to the township.
- d. No such storage and/or processing shall occur within one thousand (1000) feet of any perimeter boundary of a parcel that is not under common ownership.
- e. On-site fuel storage shall be limited to a maximum of forty-eight (48) hours of continuous emergency operation at rated generator capacity.
- f. If such storage or processing is undertaken outside of a structure, all exterior areas where these activities are occurring shall be surrounded by a masonry wall that is at least ten (10) feet in height, but only if the activities are wholly or partially visible from an adjacent public street, right-of-way or adjacent property outside this district with a residential use or in a residential zoning district. Building facades may be used to meet this requirement. Any gates or doors shall include enhanced security features to ensure that unauthorized individuals cannot gain access to the area.

300.290C.10 - Utilities.

Sec. 5E.11 The following utilities requirements for utilities shall be met as a condition of approval of any special use permit within the Technology Innovation district.

1. Approval of a special use permit shall not be granted unless the applicant demonstrates, through independent third-party studies acceptable to the township that the proposed use:
 - a. Will not require construction, expansion, or reinforcement of off-site electrical, water, sewer, or roadway infrastructure funded in whole or in part by the township or township residents.
 - b. Will not materially impair capacity, reliability or emergency response for existing utility customers.
 - c. Will not result in increased utility rates or fees for residential, commercial, or industrial users.
2. Electric utilities. All new electrical utilities installed on the development site rated below sixty-nine (69) kV shall be underground. Electric utilities related directly to

substation infrastructure, regardless of rating, are not required to be underground.

- a. Blackouts/brownouts. During power grid failures causing blackouts or brownouts, township residential properties zones and local business districts take precedence for power restoration.
 - b. If technology innovation district facilities connected to the utilities contribute to a blackout or brownout of Dorr Township or surrounding communities due to instability of the power grid to sustain power to the residential and local business districts, the power to buildings or structures in the technology innovation district shall be disconnected from the utilities until such time as the electric utility determines that the electric/power grid is stable enough to resume connection.
3. Standby generators.
- a. Generators shall be operated only for the purpose of performing periodic testing and exercising as allowed under this section or for the purpose of supplying electricity during an emergency disruption in supply from the normal electricity supplier. Under no circumstances shall any generator be operated for the purpose of supplying electricity for ongoing operations except during an emergency disruption in supply.
 - i. Routine testing and maintenance shall be conducted only between 9:00 a.m. and 4:00 p.m., Monday through Friday.
 - b. Generators shall not be used for grid-support services, peak-shaving, demand-response programs or participation in energy markets.
 - c. The facility owner or operator shall maintain a publicly accessible website announcing the dates and times of backup generator operation during both construction and operational phases. All routine operation, including testing, shall be posted on the website and provided to the city at least twenty-four (24) hours in advance, and the operator shall furnish the township with the website address where such notices are published. The facility owner or operator shall further maintain complete and accurate written logs of all generator operation, including emergency, unplanned, and routine events occurring during construction or operation, documenting the date, start and end times, duration and reason for use, such records shall be retained for a minimum of five (5) years, made available to the township upon request, and summarized in an annual report submitted to the township.
 - d. Generators must be housed within sound-attenuating enclosures to mitigate noise. Onsite generators must meet or exceed U.S. Environmental Protection Agency (EPA) Tier 4 emissions standards.
 - e. Pursuant to the EPA's approval of limited maintenance plans for the Allegan County [EPA-R05-OAR-2023-0515; EPA-R05-OAR-2023-0516; EPA-R05-2023-0517; FRL-12810-01-R5]. In order to protect public health and maintain compliance with the National Ambient Air Quality Standards for ozone, all backup power generators shall utilize the

cleanest reasonably feasible fuel source and best technology available at the time of development to minimize ozone forming emissions and prevent degradation of regional air quality.

- f. All generators shall utilize the cleanest fuel source commercially available and technically feasible.
 - i. If a diesel generator is used then Ultra-low sulfur diesel, meeting the most stringent EPA emission standards in effect.
 - g. The applicant shall demonstrate that selected generator systems represent best available control technology (BACT) for emissions, noise and vibration.
 - h. Noise and vibration generated during emergency generator operation shall comply with noise and vibration limits.
4. Water and sewer utilities.
- a. All structures in the district shall connect to the city or township water supply system and shall be connected to the city sanitary sewer system.
 - b. Each user of city water and sanitary sewer utilities in this district shall enter into a water and sanitary sewer utilities use agreement with the city or township where the utilities are being used. The use agreement shall stipulate, at minimum, the minimum required real taxable value, the methodology for establishing the cost of service, requirements of the use to ensure there is no negative impact to the sustainable operation of the utilities, maximum allowable water usage, minimum number of years the user commits to purchasing utility services and the providing following at the expense of the owner of the facility:
 - i. The use agreement shall require, to the extent allowed by law, that the cost of any improvements to the city or township water and/or sanitary sewer systems necessary to serve the user shall be the responsibility of the property owner.
 - ii. Baseline water testing of private wells within two thousand (2,000) feet of the facility's property border must have initial well/ groundwater testing to establish the current baseline before the facility is running to determine what potential contaminants may be related to the facility water cooling system or other facility uses.
 - iii. Ongoing water testing of private wells within two thousand (2,000) feet of the facility's property border must be performed bi-monthly for the first year, quarterly the second year, semi-annual in the third year and yearly for life of the building.
 - iv. The use agreement shall require that any private wells within two thousand (2,000) feet of the facility's property border must be monitored with the facility owner or operator liable for any water or contamination related issues. If a well servicing potable water to a residence or dwelling place located within two thousand (2,000) feet of the facility's property border is negatively impacted so as to cause the residence or dwelling to be contaminated or lose access

to its potable water source, the facility owner or operator shall provide:

1. All inhabitants of such dwelling or residence, bottled or other form of water within twenty-four (24) hours until a new well or source of permanent potable water can be provided
 2. All inhabitants facilities for bathing while a new permanent source of potable water can be provided; and
 3. A new source of permanent potable water for a dwelling or residence such as a new well. The facility owner or operator must provide these without charge to the impacted residents.
 4. Remediation of contamination to re-establish potable water source at the expense of the facility owner or operator.
- c. The use agreement shall require the use to post an appropriate bond or similar financial assurance sufficient to cover the full cost of decommissioning or removal of any elements of the water and/or sanitary sewer systems when such decommissioning or removal is deemed by the city or township to be necessary to maintain sustainable continued operation of the water and /or sanitary sewer systems upon termination of the use or substantial reduction in demand for services.

300.290C.11 - General facility standards.

Sec. 5E.12 The following facility standards shall be met as a condition of approval of any special use permit within the Technology Innovation district.

1. Cooling System Requirements.
 - a. All new data center facilities and qualifying expansions must employ the most environmentally sustainable and technologically superior cooling method available that is feasible at the time of site plan approval. This may include closed loop cooling for server racks and information technology equipment. Use of open, evaporative cooling towers for facility heat rejection is prohibited unless an applicant demonstrates by clear and convincing evidence that closed-loop technology is infeasible for the specific project and the applicant obtains a conditional exemption under the section and all applicable permits.
 - b. An exemption may be granted upon written request made at the time of land development or permit application and must include:
 - i. Detailed engineering documentation prepared by a licensed professional engineer demonstrating that closed-loop technology is infeasible for the specific project.
 - ii. Proposed alternative technologies, such as geothermal, air cooled, direct-to-chip liquid cooling, or waste-heat recovery

systems so long as they meet water-use, noise, and environmental standards set forth herein.

- iii. The township may impose reasonable conditions on any exemption.

300.290C.12 - Environmental regulations.

Sec. 5E.13 The following environmental requirements shall be met as a condition of approval of any special use permit within the Technology Innovation district.

1. Noise. Subject to the requirements of this section, no noise shall be produced that endangers or injures the safety or health of humans or animals, annoys or disturbs a person of normal sensitivities, or endangers or injures a person or real property.
 - a. Subject to allowances in this section, noise levels from routine operations shall not exceed forty-five (45) decibels (dBA) at an adjacent street right-of-way or the boundary of any adjacent private property outside of this district.
 - b. Periodic testing or exercising of equipment. Noise levels up to seventy (70) decibels (dBA) at an adjacent street right-of-way or the boundary of any adjacent private property outside of this district are only allowed during periodic testing or exercising of equipment. Such testing or exercising shall not occur more often than once monthly for up to a total of fifteen (15) minutes with the exception that such testing shall be allowed for a duration of up to a total of sixty (60) minutes twice per year. If approved in advance by the township supervisor for each occurrence, the sixty (60) minute events may be allowed up to two (2) additional times per year. Any testing or exercising shall be allowed only between the hours of 9:00 a.m. and 4:00 p.m. Monday - Friday.
 - c. Pre-development and post-development noise studies. The site plan review applicant will be responsible for the cost of pre-development and post-development noise studies along each adjacent street right-of-way and boundary of adjacent property outside of this district to establish a pre-development noise baseline and to verify the post-development noise level emitted during routine operations. The pre-development and post development noise studies shall include evaluation of noise at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m) and nighttime (10:00 p.m. to 7:00 a.m.) hours. Noise studies shall be performed and evaluated pursuant to current appropriate standards and methodologies established by the International Organization of Standards (ISO) as approved by the township engineer. The township shall select the noise study provider. If pre-development noise levels along any right-of-way or property boundary exceed the maximum of forty-five (45) dBA for routine operations, the

noise levels post-development along said right-of-way or boundary shall not exceed the levels measured in the pre-development noise study.

- d. Annual noise study. The facility owner or operator must conduct an additional noise study, as measured at the property line of the nearest property that is residential use or a residential zoning district, annually during peak operation of mechanical equipment for five (5) years after completion of the initial post-development noise study. The results of the noise study must be provided to the township supervisor within thirty (30) days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the township.
 - e. Noise Control measures must be used to block or insulate noise sources while maintaining air flow.
 - f. Ground mounted mechanical equipment. Ground mounted mechanical equipment, including blowers or generators, shall be:
 - i. Enclosed in sound absorbing walls to the greatest extent possible and designed to attenuate noise heard on adjacent properties outside of this district.
 - ii. Location. Equipment shall be located as far as practical from an adjacent street right-of-way or the boundary of an adjacent property outside of this district and to the extent possible, located within the interior of the building layout to minimize noise heard on surrounding properties.
 - g. The use of external loudspeakers is prohibited.
2. Outdoor lighting
 - a. No lighting fixture shall be placed more than twenty-four (24) feet above the ground.
 - b. No lighting shall exceed twenty-five percent (25%) more than the light level recommended by the most recently published applicable ANSI/IES Lighting Standard at the time of installation.
 - c. All luminaries emitting more than 1,000 lumens shall be fully shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.
 - d. No luminaries shall exceed a correlated color temperature of 3000 K.
 - e. Luminaires activated by motion detection shall automatically turn off or return to the dimmed state no more than 5 minutes after activity is no longer detected.
 - f. Any of the lighting requirements of this section may be waived if compliance with the requirements would result in violation of applicable state or federal law or it is demonstrated that waiver of the requirement is necessary for security or public safety purposes. A waiver shall be issued at the discretion of the zoning official.
 3. Vibration. Ground mounted mechanical equipment shall be mounted on a vibration dampening platform or other suitable device to decouple the equipment

from transferring vibration to the ground. Pre-development and post-development studies of ground vibration along each adjacent street right-of-way and boundary of adjacent property outside of this district shall be conducted to establish a pre-development vibration baseline and to verify the post-development vibration level emitted during routine operations. Vibration studies shall be conducted by a provider selected by the township and the cost shall be the responsibility of the applicant. The pre-development and post-development vibration studies shall include evaluation of ground vibration at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. and 7:00 a.m.) hours. Vibration studies shall be performed and evaluated pursuant to current appropriate standards and methodologies established by the International Organization of Standards (ISO) as approved by the city engineer. Post-development ground vibration levels shall not exceed pre-development levels.

300.290C.13 - Emergency Management.

Sec. 5E.14 The following emergency management regulations shall be met as a condition of approval of any special use permit within the Technology Innovation district.

1. Emergency Management. The facility owner or operator shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall detail security measures, fire safety protocols. National Fire Protection Association standards, and Occupational Safety and Health Administration standards. In addition, the ERP shall:
 - a. Be reviewed and accepted by the local fire department and emergency management services as part of the special use permit process.
 - b. Include detailed procedures for fire suppression, containment, ventilation and evacuation.
 - i. If the facility owner or property owner desires to use battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site the facility owner or operator or property owner shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
 - c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
 - d. Ensure that all first responders receive adequate training specific to the installed system.
 - e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the facility owner or operator.

- f. Evaluation of adequate township emergency and fire services shall be performed. The developer shall be responsible for the costs for additional emergency and fire-fighting equipment needed to serve a facility(s) of significant size and for its particular use.
- g. No special use permit shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation and evacuation are sufficiently protective of public health, safety and welfare.
- h. The facility owner or operator shall provide a twenty-four (24) hour emergency signage visible at the access entrance to include a contact representative's name and twenty-four (24) hour telephone number.

300.290C.14 - Liability.

Sec. 5E.15 The following Liability Insurance requirements shall be met as a condition of approval of any special use permit within the Technology Innovation district.

- 1. Liability Insurance. The facility owner or operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$3 million in the aggregate. Certificates shall be made available to the township upon request.

300.290C.15 - Development Agreement.

Sec. 5E.16 The following development agreement requirements shall be met as a condition of approval of any special use permit within the Technology Innovation district.

- 1. Development agreement. The property owner shall enter into a development agreement with the township incorporating the requirements of the following subsections and record the same in the office of the county register of deeds. The development agreement shall be a binding covenant upon all future owners, operators, and tenants of the property and shall be executed and recorded prior to issuance of a building permit.
 - a. The terms and conditions of the preliminary site plan approval.
 - b. The terms and conditions of final site plan approval.
 - c. The terms and conditions of all sections as outlined in this ordinance to qualify for the special use permit.
 - d. The terms and conditions that require the developer to reimburse nearby property owners for any proven reduction in fair market value directly attributable to the approved use, as determined by an independent appraisal acceptable to the township and such obligation shall run with the land.
 - e. If the township determines that a residential property continues to experience material adverse impacts directly attributable to an approved technology innovation structure use that cannot be feasibly mitigated to compliant levels, the facility owner or operator shall offer the affected

property owner a voluntary buy-out at the greater of the property's fair market value immediately prior to approval or at the time the option is exercised, as determined by an independent appraiser acceptable to the township and selected by the property owner with reasonable relocation costs paid by the operator. This obligation shall be included in the required development agreement and shall run with the land, binding all successors and assigns.

300.290C.16 - Violations; Environmental Penalties; Remediations.

Sec. 5E.17 The following shall be upheld for violations concerning the Technology Innovation district.

1. Authority. This section is adopted pursuant to the Michigan Zoning Enabling Act, Public Act 110 or 2006, as amended (MCL 125.3101 et seq.), including but not limited to MCL 125.3407 and MCL 125.3408, and the township's general police powers.
2. Unlawful acts. Any person, firm, partnership, corporation, property owner, operator, tenant, or other responsible party that violates, causes, permits, or fails to comply with an provision of this section, any condition of approval site plan approval, special use permit, development agreement, or any permit or certificate issued pursuant thereto shall be responsible for a violation of this ordinance.
3. Continuing violations. Each day that a violation exists or continues shall constitute a separate and distinct offense.
4. Civil infraction; graduated penalties. Violations shall constitute a municipal civil infraction pursuant to MCL 125.3407 and shall be subject to the following graduated penalties, in addition to costs and damages permitted by law:
 - a. First violation: A civil fine of no less than \$1,000,000 per violation per day.
 - b. Second violation: A civil fine of not less than \$2,000,000 per violation per day.
 - c. Third or subsequent violations, or any willful or knowing violation: A civil fine of not less than \$5,000,000 per violation per day.
5. Court costs, damages, and expenses. Each offense may also include assessment of all court costs, damages, and expenses incurred by the township, including inspection costs, consultant fees, monitoring costs, and reasonable attorney fees, to the extent permitted by law.
6. Notice and opportunity to cure. Except where immediate action is necessary to protect public health, safety, welfare, or the environment. The township may provide written notice specifying the nature of the violation and a reasonable time to cure. Failure to cure within the specified time shall constitute a separate violation subject to enhanced penalties.
7. Injunctive and equitable relief. In addition to civil fines, the township may seek injunctive relief or other equitable remedies in a court of competent jurisdiction pursuant to MCL 125.3407, including orders to restrain, correct, or abate

- violations and to compel compliance.
8. Stop-work and cease-operation orders. Pursuant to MCL 125.3408, the township may issue a stop-work order or ease-operation order upon determination that a violation exists or that continued operation poses a threat to public health, safety, welfare, or the environment. No work or operation shall resume until the violation is fully remediated to the satisfaction of the township.
 9. Permit suspension or revocation. The township may suspend or revoke any permit, approval, or certificate of occupancy issued under this section upon a finding of noncompliance, repeated violations, or failure to comply with enforcement orders.
 10. Cost recovery and liens. If the township takes corrective action, monitoring, mitigation, or enforcement due to a violation, all costs incurred shall be reimbursed by the responsible party. Unpaid costs may be assessed as a lien against the property and collected in the same manner as taxes, as authorized by the law.
 11. Financial assurance enforcement. The township may draw upon any bond, surety, escrow, or other financial assurance required under this section to remedy violations, restore compliance, or reimburse enforcement costs, without prejudice to any other remedy.
 12. Non-exclusive remedies. The remedies provided herein are cumulative and not exclusive. The exercise of one remedy shall not preclude the exercise of any other remedy available at law or in equity.

300.290C.17 - Decommissioning.

Sec. 5E.18 The following shall be upheld for decommissioning of all facilities, structures within the Technology Innovation district.

1. If the facility ceases continuous operation for a period of twelve (12) consecutive months, the facility owner or operator or property owner shall, at its expense, complete decommissioning of the facility within twelve (12) months, as set forth below. The facility owner or operator or property owner shall report to the township within forty-eight (48) hours any cessation or discontinuation of use. If the township becomes aware of the cessation or discontinuation of use of the facility by observation or report from a third party without receiving notification from the facility owner, or operator or property owner, the township may notify the facility owner or operator or property owner of the report or observation in writing or by posing a notice on the premises that decommissioning must be completed within six (6) months of said notice.
2. Decommissioning shall include the following:
 - a. Removal of all hazardous materials and contents, including cabling, electrical components, and any other associated facilities. The facility owner or operator or property owner shall certify that all hazardous materials, contents and storage facilities have been removed to comply with all applicable local ordinances and state laws at the end of the twelve

- (12) or six (6) month period in section 1 above as applicable.
- b. The facility owner or operator or property owner shall return the site to a useful condition similar to its pre-construction state. The facility owner or operator or property owner shall provide the township with a site restoration plan that includes process milestones and the necessary steps to ensure soil is retired to at least as good or better condition.
3. The facility owner or operator or property owner shall submit to the township a decommissioning plan that includes the following:
 - a. An overview of the facilities and real property that includes
 - i. A detailed description of the improvements above and below ground.
 - ii. A list of hazardous substances stored, processed, and used on the property, commencing with development of the facility, and concluding with decommissioning.
 - b. A description of the facility and improvements removal process including:
 - i. A proposed decommissioning schedule.
 - ii. A description of facilities that will be removed and those that will be kept in place including the reasoning and agreement with the property owner.
 - iii. A description of removal methods and site clearance activities.
 - iv. A description of the removal of hazardous substances from the site.
 - v. A description of resources, conditions, or activities potentially affected by decommissioning and mitigation measures to be employed during the decommissioning process.
 - vi. A description of the site restoration plan that returns the site to a useful condition similar to its pre-construction state.
 - vii. A list of expected necessary permits for demolition or new temporary construction which may be required for facility and improvements removal and a statement that such permits will be obtained prior to the start date of decommissioning.
 - c. A commitment to provide decommissioning plan and decommissioning bond cost updates on a five (5) year basis for the first twenty (20) years of commercial operation and every three (3) years thereafter.
 - d. An assurance that the decommissioning bond shall be updated according to the required periodic decommission plan and cost estimate updates.
 - e. Assurance that the facility owner or operator will provide annual proof that the decommissioning bond remains sufficient and in effect.
 4. Decommissioning bond.
 - a. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to the net decommissioning costs +10%. The decommissioning funds shall be posted and maintained with a bonding company, federal or state chartered lending institution chosen by the facility owner, operator, and participating landowner posting the financial

security, provided that the bonding company or lending institution is authorized to conduct such business within the state of Michigan and is approved by the city.

- b. Decommissioning funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are acceptable to the township. These funds must be delivered before construction begins on the proposed project. This bond will be maintained by the township.
 - c. If the facility owner or operator fails to complete decommissioning within the period prescribed in this section, then the landowner shall have six (6) months to complete decommissioning.
 - d. If neither the facility owner or operator or the property owner complete decommissioning within the periods prescribed by this section, the township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the township shall constitute agreement and consent of the parties to the agreement, the irrespective heirs, successors and assigns that the city may take such action as necessary to implement the decommissioning plan.
 - e. The escrow agent shall release the decommissioning funds when the facility owner or operator or property owner has demonstrated and the township concurs that decommissioning has been satisfactorily completed or upon written approval of the township in order to implement the decommissioning plan.
 - f. In the event of sale or transfer of the facility, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.
5. An independent and certified professional engineer, selected by the township shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to the township after the first year of operation and every fifth year thereafter.

300.290C.18 - Annual Compliance Review.

Sec. 5E.19 The following shall be evaluated as a condition of the special use permit for the Technology Innovation district.

1. As a condition of the special use permit, the facility owner or operator or property owner shall reimburse the township for an annual professional and independent inspection of the operations. The purpose is to determine conformance to this ordinance, site plan and special use permit.

300.290C.19 - Indemnification.

Sec. 5E.20 The following shall be a condition of the special use permit for the Technology Innovation district.

1. The applicant is required to agree in writing, subject to the acceptance of the township of Dorr attorney, to defend, indemnify, and hold harmless the township, and its officers, agents, and employees, against any claims, demands, damages, lawsuits, judgements, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of the proposed facility to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of those.

300.290C.20 - Change of Ownership.

Sec. 5E.21 The following shall be a condition of the special use permit for the Technology Innovation district.

1. The township must be notified in advance of any change of ownership, developer(s), operators, and/or occupant of any buildings, structures, or real property. The following information shall be provided in the notification.
 - a. The current owner's name, address, and contact information (email and phone number).
 - b. The proposed new owner's name, address, and contact information (email and phone number).
 - c. The property address including the Parcel identification number.
 - d. If there is to be a change in responsibility for oversight and operation of the facility or real property, the name, address and contact information for the new operator (email and phone number) will be required as well as any other pertinent information requested.