

First Reading:
Second Reading:
Publication:
Effective Date:

AMENDMENT TO ZONING ORDINANCE OF THE CITY OF NEGAUNEE

CHAPTER 156

The City of Negaunee ORDAINS:

That Chapter 156 of the Codified Ordinances of the City of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

REPEALER

Any portion of Chapter 156 of the Codified Ordinances of the City of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. The repeal date shall be the effective date of the following Amendments.

AMENDMENT

Chapter 156, Zoning of the Codified Ordinances of the City of Negaunee, Michigan, shall be and is hereby amended to add the following:

Add to 156.050 (C) Special Land Use: Data Center;

Add to 156.052 (C) Special Land Use: Data Center; and

Add Section 156.202 ---- DATA CENTERS

Add the following to DATA CENTERS:

156.203 DEFINITIONS.

COMMUNITY NOISE EQUIVALENT LEVEL (CNEI) - The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

DATA CENTER – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to

digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

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

DATA CENTER ELECTRICAL 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.

DATA CENTER PRINCIPAL BUILDING – A building that contains the office and/or data storage functions of a Data Center.

FOOTCANDLE – Enough light to saturate a one-foot square with one lumen of light.

SENSITIVE RECEPTORS – Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, cemeteries, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer.

156.204. SPECIFIC USE CRITERIA FOR DATA CENTERS.

The following requirements shall apply to all Data Centers and similar facilities. If any of the following regulations are found to conflict with regulations found elsewhere in the City of Negaunee Zoning Ordinance, the most restrictive regulations shall be applied, unless otherwise stated.

A. Building Placement and Orientation.

(1) All principal and accessory structures associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties.

(2) Buildings shall be sited and oriented to:

a. Minimize visual impacts of the building when examined on a line-of-sight basis from adjacent public streets.

b. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.

c. Accommodate adequate parking as required by the Parking Ordinance.

d. Minimize impacts to natural resources.

e. Incorporate appropriate stormwater management practices.

(3) Data Center campuses containing more than one building are required to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

(4) Connection to public water and public sewer is required.

B. Maximum Height.

The maximum building height for Data Centers shall be 75 feet.

C. Setbacks.

(1) All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 200 feet from all property lines.

(2) Parking lots for Data Centers shall be set back at least 20 feet from public road rights-of-way, and 20 feet from all property lines.

D. Parking Requirements.

A minimum of 1 parking space per employee on the largest shift is required, plus an additional 6 visitor spaces.

E. Off Street Loading.

(1) A minimum of 1 per 10,000sqft of principal building loading space(s) is required. Loading spaces/bays are only permitted on one façade of the Data Center Principal Building. No Loading spaces allowed on front façade of structures.

(2) Unless physically impossible, loading docks, truck entries, and truck drive aisles shall be oriented away from abutting Sensitive Receptors.

(3) To the greatest extent feasible, loading docks, truck entries, and truck drive aisles shall be located away from nearby Sensitive Receptors. Screening as described in Section K. herein shall be provided. When making feasibility decisions, the municipality must consider existing laws and regulations and balance public safety with the site development's potential impacts on nearby Sensitive Receptors.

F. Noise/Vibration.

Applicant is required to provide a 3rd party Noise/ Volume study to establish compliance to the following provisions

(1) CNEI.

a. The Community Noise Equivalent Level (CNEI) at the boundary of the property containing a Sensitive Receptor shall not exceed 45 dBA.

b. The CNEI at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 50 dBA.

c. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.

d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.

(2) A noise reduction barrier or device may be required at the discretion of the City of Negaunee Planning Commission when noise level tests do not conform to acceptable noise levels.

(3) The limitations herein shall not apply to any Sensitive Receptor that is established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.

G. Negative Impacts.

Any use or activity producing air pollution, dust, smoke, glare, exhaust, noise, heat, vibration or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

I. Power.

Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

- (1) Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider;
- (2) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use;
- (3) Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region;
- (4) The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises;
- (5) Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection;
- (6) Fuel fired energy generation is only allowed as an emergency backup system; and
- (7) A surcharge for electrical consumption, if greater than proposed once in operation, will be assigned *via* the fee schedule as set by City Council.

J. Lighting.

Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. On/off control shall be by an astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced out 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 11 PM or after regular business hours, or the use of motion sensor control, shall be permitted.

K. Perimeter Fencing/Security.

Fences shall not exceed eight (8') feet in height above ground and shall be of high-quality design and materials. Any proposed fencing will be required to comply with the City of Negaunee Fence Ordinance.

L. Power Lines and Data Center Electric Utility Substations.

(1) Data Center Electric Utility Substations must include year-round opaque landscaping or a screen wall a minimum of 8 feet in height to minimize visual impact.

(2) Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center Principal Building so they are screened from public view and must not be in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.

(3) Burying power lines serving the property is required.

(4) The Data Center Electric Utility Substation shall be subject to 200 ft setback requirements. Setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

M. Emergency Contact Information.

Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

N. Buffer Yards and Screening.

All Data Center operations shall provide buffer yards and screening along all property boundary lines, except for areas of ingress and egress into the site.

(1) Service Areas - Loading bays, refuse collection areas, and service entrances shall be screened from view from existing or planned public roads, Sensitive Receptors, and residential zoning districts. Screening may include year-round landscaping or a screen wall of an appropriate height to mitigate visual impacts as determined by a line-of-sight study submitted by the applicant.

(2) Mechanical/Electrical Equipment Screening.

a. Ground-Mounted.

i. Ground-mounted equipment adjacent to and serving the Data Center Principal Building shall be completely screened behind an opaque wall or fence. When the equipment is located between buildings, a combination of walls and gates may be used at the openings between buildings.

ii. When in or adjacent to an industrial use or zoning district, ground-mounted equipment screening is only required from any existing or planned public road.

iii. Ground-mounted equipment is prohibited in any required setback.

b. Roof Top.

i. All rooftop-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet. Roof-top equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.

ii. Roof top equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.

iii. Roof-top equipment may exceed the applicable maximum district building height when completely screened pursuant to this ordinance.

(3) Buffering.

a. Data Center sites abutting collector/arterial roads must include an enhanced buffer yard width required.

b. Where the combined footprint of the principal structure or structures is less than 100,000 square feet:

i. A minimum 100-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.

ii. A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.

c. Where the combined footprint of the principal structure or structures is between 100,000 square feet and 250,000 square feet:

i. A minimum 150-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.

ii. A minimum 50-foot buffer yard shall be provided along all other property lines.

d. Where the combined footprint of the principal structure or structures exceeds 250,000 square feet:

i. A minimum 300-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.

ii. A minimum 50-foot buffer yard shall be provided along all other property lines.

e. Utilities should be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.

f. Use of existing vegetation for landscaping and screening is required and may be substituted for new berms and plantings if approved by the City of Negaunee Planning Commission

g. Buffer yards along roadways shall be measured from the street right-of-way line.

h. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.

i. The landscape buffer shall be located along the outer edge of the buffer yard.

j. The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements.

O. Environmental and Community Impact Analysis.

Prior to the commencement of the Planning Commission hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

(1) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the

total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.

(2) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, and cultural and historic resources on the property and within 500 feet of the boundaries of the property.

(3) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

(4) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:

- a. Emergency services and fire protection,
- b. Water supply,
- c. Sewage disposal,
- d. Solid waste disposal,
- e. School facilities and school district budget,
- f. Municipal revenues and expenses, and
- g. Electrical supply.

(5) Any environmental or human impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

P. Emergency Responders.

The applicant shall coordinate with the City of Negaunee Police Department and the Fire department to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the City of Negaunee.

Public Safety Radio Communications System at the exterior of the building, and shall install enhancement systems as needed to meet compliance.

Q. Environmental Impact Assessment.

An Environmental Impact Assessment shall be performed. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other

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

(1) Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.

(2) The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.

(3) A stormwater management plan will be required.

(4) The applicant shall submit an assessment report of the impact of the proposed use on the goals of the City of Negaunee Master plan and the Marquette County Master plan. Where the proposed use conflicts with the Master plans, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

(5) Additional considerations. The following shall also be addressed:

- a. Alternative analysis. A description of alternatives to the impacts.
- b. Adverse impacts. A statement of any adverse impacts that cannot be avoided.
- c. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
- d. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

(6) Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.

a. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.

c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

Upon roll call, City of Negaunee Council Members:

Voting aye:

Voting nay:

Whereupon, this Ordinance was declared passed and adopted this _____ day of _____, 2026.

This Amendment shall be published as required by law, and shall be effective on the _____ day of _____, 2026.

CITY OF NEGAUNEE

Attest:

By: Craig Illmonen, Its Mayor

By: Judy Iwanski, Its Clerk