

LOVELLS TOWNSHIP

RESOLUTION ESTABLISHING A MORATORIUM ON THE APPROVAL OF NEW DATA CENTERS WITHIN LOVELLS TOWNSHIP

WHEREAS, the State of Michigan's Township Zoning Act (Act 184 of the Public Acts of 1943), as amended and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006), as amended) authorizes a township board to enact ordinances necessary to provide for the health and safety of people within the Township.

WHEREAS the Lovells Township Board is aware of increased development activity throughout Michigan and surrounding Midwestern communities involving large-scale data center facilities; and

WHEREAS, data center facilities typically involve substantial land areas, intensive electrical demand, significant water usage for cooling systems, on-site backup power generation, fuel storage, enhanced security infrastructure, and large building massing that may materially impact surrounding properties and public infrastructure; and

WHEREAS, the Lovells Township Zoning Ordinance does not specifically define or regulate large-scale data center facilities as a distinct land use category, nor does it establish standards related to their siting, buffering, noise from mechanical equipment and generators, utility capacity impacts, water consumption, fuel storage, building scale, or compatibility with surrounding land uses; and

WHEREAS, the Lovells Township Board finds that it is beneficial to the public health, safety, and welfare of its residents to study the potential impacts of data center development within the Township and to consider whether amendments to the Zoning Ordinance and Code of Ordinances are necessary to ensure appropriate location, design, and operational standards; and

WHEREAS, the Lovells Township Board finds that it is in the public interest to impose a temporary moratorium on applications for rezoning, special land use approval, site plan approval, building permits, and business registration for new data center facilities in order to review and consider necessary regulations and preserve the status quo during such review.

BE IT RESOLVED, by the Lovells Township Board that a moratorium be imposed barring the acceptance of applications for site plan approval and business registration for new data centers to locate within the Township for a period of nine (9) months, or the date that the Lovells Township Board repeals this Resolution, whichever occurs first.

BE IT FURTHER RESOLVED, that during the 9 month moratorium, or any extension thereof, the Lovells Township Board, along with the Planning Commission and appropriate staff and consultants, shall attend to reviewing and making recommendations on amendments to the Zoning Ordinance, considering the public health, safety, and welfare of its residents, and if amendments are determined to be necessary, preparing and recommending such amendments for consideration by the Board of Trustees.

BE IT FURTHER RESOLVED, that an aggrieved property owner or business owner may request and be entitled to a hearing by the Lovells Township Board for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of state or federal law. Said petitioner shall, in writing and directed to the Township Clerk, request a hearing that describes the grounds of the request. The hearing shall be held during a Lovells Township Board meeting within forty-five (45) days of receipt of the request. Upon concluding the hearing, the Board of Trustees shall determine whether the petitioner has made the required demonstration and if so, shall grant relief from the moratorium.

BE IT FURTHER RESOLVED, that notice of this Resolution shall be posted at the Township Hall and on the Township website throughout the moratorium period, or any extension granted herein.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Lovells Township Board at a regular meeting on _____ Date.

Janet Dunning Township Clerk

Date