

Village of Lincoln
Ordinance No. ____-2026

AN ORDINANCE TO AMEND THE VILLAGE OF LINCOLN ZONING ORDINANCE CONCERNING DATA CENTERS.

VILLAGE OF LINCOLN HEREBY ORDAINS:

Section 1: Amendment of Article 2 of the Village of Lincoln Zoning Ordinance

Section 2.1 (Definitions) of the Village of Lincoln Zoning Ordinance is hereby amended to add the following definitions:

Battery Energy Storage System (BESS). One (1) or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

Data Center. A facility whose primary service is data processing or data storage, and is used to house computer systems and associated components, such as central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse co-location, or any other term applicable to facilities which are used for such purposes shall be deemed to be a data center.

dB(A). The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Sensitive Land Use. A land use that includes a dwelling, educational facility (Pre-K through 12), college dormitory, commercial child care facility, hospital, long-term care facility, nursing home, retirement home, campground, or park, excluding linear trails.

Section 2: Amendment of Article 4 of the Village of Lincoln Zoning Ordinance

Section 4.0 (Land Use Matrix), Utilities/Energy Section, of the Village of Lincoln Zoning Ordinance is hereby amended as follows:

TABLE OF PERMITTED USES & SPECIAL LAND USES							
R = Permitted by right S = Permitted with a Special Use Permit	R1	CR	MU	CBD-1	B1	I	P
UTILITIES/ENERGY							
<i>(add) Data Centers*</i>						S	
<i>Electrical Transformer Stations & Substations</i>					R	R	
<i>Essential Services</i>	R	R	R	R	R	R	R
<i>Gas Regulator Stations</i>					R	R	
<i>Heating & Electric Power Generating Plants</i>							
<i>Public Utility Facilities (without storage yards)</i>						R	
<i>Public Utility Facilities (with storage yards)</i>						R	

Section 3: Amendment of Article 7 of the Village of Lincoln Zoning Ordinance

Article 7 of the Village of Lincoln Zoning Ordinance is hereby amended to add Section 7.29 (Data Centers) as follows:

Section 7.29

Data Centers shall adhere to the following requirements in addition to the requirements contained in **Section 5.4, 5.5, 5.6, and Article 6** of this Ordinance.

A. Purpose.

The purpose of this Section is to provide for the development, installation, and construction of data centers subject to reasonable conditions that will protect the character of the Village and the nearby lot owners and ensure the health, safety, and welfare of Village residents.

B. Accessory Data Operations.

The requirements of this Section shall not apply to data processing, data storage, computer server, or similar equipment that is accessory and subordinate to a lawful principal use of the property, provided that:

1. The equipment is located entirely within a conforming principal or accessory building;
2. The operation does not create noise, vibration, heat, glare, electrical demand, water demand, or other impacts materially different from those customarily associated with the principal use; and

3. The operation does not require additional utility infrastructure or utility-provider approval beyond that ordinarily required for the principal use.

An operation that does not satisfy all of the above conditions shall be subject to the requirements applicable to a Data Center under this Ordinance.

C. Setbacks.

All principal buildings, accessory buildings/structures (including battery energy storage systems), and data center electric utility substations must be set back at least one hundred fifty (150) feet from all adjacent lot lines.

1. Year-round opaque landscaping or a screening fence or wall shall be required 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. On-site substations do not require a buffer or screening between the data center principal building and the substation.
3. For substations, setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

D. Noise.

The sound pressure level generated by a Data Center and all associated buildings, equipment, cooling systems, generators, substations, and other ancillary equipment shall not exceed the following:

1. Daytime. Fifty-five (55) dBA (Leq) between the hours of 7:00 a.m. and 7:00 p.m.
2. Nighttime. Forty-five (45) dBA (Leq) between the hours of 7:00 p.m. and 7:00 a.m.

Sound levels shall be measured at the Data Center property line shared with a non-industrial use or at the property line of the nearest Sensitive Land Use, whichever is closer to the sound source.

The site plan shall include a pre-development sound modeling study prepared by a qualified professional showing modeled sound isolines extending from all significant sound sources to applicable property lines and Sensitive Land Uses. The Planning Commission may require reasonable sound attenuation measures, including acoustic enclosures, walls, fencing, berms, vegetation, relocation of equipment, or other measures necessary to demonstrate compliance with this Section.

Following commencement of operation, sound pressure level measurements may be required in accordance with the post-construction sound survey requirements of this Section.

E. Vibration.

A Data Center shall not be operated, maintained, or tested in a manner that generates ground-borne vibration exceeding a Peak Particle Velocity (PPV) of 0.01 inches per second at any point along the Data Center property line.

Generators, cooling equipment, mechanical equipment, and other equipment capable of producing vibration shall be equipped with vibration isolation or mitigation systems as necessary to comply with this standard.

If the Planning Commission determines, based upon the location, equipment, operating characteristics, or proximity of a Sensitive Land Use, that vibration may create a potential adverse impact, the Planning Commission may require pre-development vibration modeling or post-construction vibration measurements prepared by a qualified professional at the applicant's or owner's expense.

F. Negative 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 at or beyond the lot line.

G. Lighting.

Lighting, including lighting for security cameras, shall not cause a nuisance to adjacent lots, drivers, or pedestrians.

H. Cooling System.

A closed-loop cooling system shall be utilized, if feasible. If an alternate system is proposed, the applicant shall demonstrate the reason an alternate system is necessary and shall show that the surrounding area will not be negatively impacted by the system. Cooling systems shall not cause an adverse impact on water supply in the Village.

I. Battery Energy Storage Systems.

An on-site battery energy storage system (BESS) used to store electricity for use by the data center may be permitted as an accessory use to the data center. The BESS shall be designed, constructed, installed, operated, maintained, repaired, and decommissioned in accordance with all applicable local, state, and federal laws, codes, permits, and regulations, including applicable fire, electrical, building, and environmental requirements. The applicant shall identify the codes and industry standards applicable to the proposed system and provide documentation demonstrating compliance.

J. Generators.

Backup generators and other emergency power-generation equipment shall comply with the following:

1. Routine testing and exercising of generators shall occur only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding federal and State holidays. This limitation shall not apply to operation during an actual power outage, emergency, utility-directed event, or other condition requiring emergency operation.
2. No more than two (2) generators shall be routinely tested simultaneously unless the applicant demonstrates that additional simultaneous testing will comply with the noise standards of this Section.

3. Generators shall be equipped with appropriate acoustic enclosures, mufflers, vibration isolation, or other mitigation measures necessary to comply with the noise and vibration standards of this Section.
4. The applicant shall identify the type, number, location, fuel source, rated capacity, and anticipated testing schedule of all generators as part of the site plan application.
5. Records of routine generator testing and operating hours shall be maintained by the Data Center owner or operator and provided to the Village upon request.

K. Operations

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. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
2. 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 area, and that such capacity is available in the community. Indicate on the application the amount of water and electricity necessary to operate the facility. Planning Commission may require that the data owner/operator supply the electricity on-site.
3. The use will not cause electrical interference or fluctuations in line voltage on or off the operating premises.
4. 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.

L. 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.

M. Environmental and Community Impact Analysis.

Prior to the commencement of the public 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, floodplains, wetlands, waters, and cultural and historic resources on the property and within five hundred (500) feet of the boundaries of the property.

3. **Wastewater and Material Disposal.** The applicant shall provide documentation describing the anticipated type, quantity, composition, handling, storage, treatment, and method of disposal of all wastewater, cooling water, process water, chemicals, hazardous materials, solid waste, and other waste materials generated by the data center. Such documentation shall identify the proposed disposal or discharge location and method. All handling, storage, treatment, discharge, and disposal shall comply with applicable local, state, and federal laws, regulations, permits, and approvals. No wastewater, cooling water, process water, chemicals, or other potentially harmful substances shall be discharged onto the ground, into groundwater or surface waters, or into a stormwater system except as specifically authorized by applicable permits and regulatory agencies. The Planning Commission may require documentation from the applicable regulatory agency or other qualified entity confirming the adequacy and acceptability of the proposed disposal method.
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. Electricity rates,
 - f. School facilities, and
 - g. Municipal revenues and expenses.
5. Any environmental 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.
6. Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site. The Planning Commission may require that additional studies be performed by a third-party qualified professional and shall be paid for by the applicant.

N. **Application Requirements.**

A site plan shall be required. In addition, the following shall be required:

1. Cooling/climate control equipment specifications.
2. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to applicable lot lines and Sensitive Land Uses within five hundred (500) feet of the lot boundary.
3. **Emergency Response Plan.** A copy of the approved Emergency Response Plan shall be prepared by the system owner and provided to the local fire department, local fire code official, and emergency manager. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders. The Emergency Response Plan shall include the following information:
 - a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

- b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - d. Procedures for inspection and testing of associated alarms and controls.
 - e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
 - g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - h. Other procedures as determined necessary by the Village to provide for the safety of occupants, neighboring properties, and emergency responders.
 - i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - j. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any additional personnel and specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate emergencies. The Village may require that the applicant provide training and/or funding for any specific equipment which is necessary to handle emergency situations at the facility.
 - l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
 - m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
4. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:

- a. The anticipated life of the project.
- b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use. If the infrastructure is able to be retrofitted to an alternate use, then the decommissioning plan may include those plans.
- c. If applicable, approved traffic route for decommissioning and surety bond to ensure no perceived road damage is done.
- d. The projected decommissioning costs. The Village may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the Village will select the most appropriate cost estimate.
- e. The method of ensuring that funds will be available for site decommissioning. The Village shall require the owner or operator (maintained by any successive owners/operators) to deposit a performance guarantee equal to 1.25 times the estimated decommissioning cost.

A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Planning Commission.

- f. Prior to beginning decommissioning, a data center owner/operator shall notify the Village of the date that decommissioning will begin.
5. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.

O. Post-Approval Documentation.

Any Zoning Permit or Special Use Permit for a data center shall be conditioned upon the submission of the following documents:

- 1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.
- 2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the data center owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.
- 3. **Annual Compliance Reporting.** The Planning Commission may require the data center owner to provide annual documentation of compliance with specific standards in this Ordinance. Annual reports shall be required on water usage, sound monitoring, and generator testing/operating hours. Copies of any other

reports required by the State of Michigan or any outside agency shall be provided to the Village.

P. Transfer of Ownership or Operation.

The Village shall be provided written notice at least sixty (60) days prior to any transfer of ownership or operational control of an approved Data Center.

Prior to the transfer becoming effective, the new owner or operator shall provide the Village with written acknowledgement that it accepts and agrees to comply with all conditions and requirements applicable to the Data Center, including the approved Special Use Permit, site plan, Emergency Response Plan, Decommissioning Plan, performance guarantee, annual reporting requirements, and any other conditions of approval.

Any required financial assurance or performance guarantee shall remain continuously in effect during and following a transfer of ownership or operation. No transfer shall relieve the prior owner or operator of its obligations until the Village has received documentation demonstrating that all applicable responsibilities and financial assurances have been lawfully assumed by the succeeding owner or operator.

Q. Abandonment.

1. If a data center owner or operator intends to abandon and, in fact, does abandon a data center by not operating it for a continuous period of twelve (12) months, said data center shall be considered abandoned, and the owner of such data center shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the Village. Failure to remove an abandoned data center within the one hundred eighty (180) day period provided in this subsection shall be considered a violation of this Ordinance. The Planning Commission may grant an extension to this one hundred eighty (180) day period if it finds substantial justification for such an extension.
2. Unless an alternate decommissioning plan is approved, in addition to removing the data center, the owner shall restore the site to its original condition prior to the location of the data center, including environmental remediation, subject to reasonable wear and tear. Any foundation associated with a data center shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed.

R. Public Inquiries & Complaints.

An aggrieved property owner may notify the Village to allege that a data center is not in compliance with the Ordinance. Notice must be in writing.

Section 5: Severability

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 6: Effective Date

The ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Village.

Ordinance No. ____-2026 was adopted on the _____ day of _____, 2026, by the Lincoln Village Council as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Clerk

President

I certify that this is a true copy of Ordinance No. ____-2026 that was adopted at a regular meeting of the Lincoln Village Council on _____, 2026 and published in the Alcona County Review on _____, 2026.

Dated: _____

, Clerk