



**Daniel J. Kelly**  
**Brittney K. Ellis**  
**Nancy L. Olind**  
**Jake Mertes**  
**Nicholas L. Castro**  
**Rachel Caloia**  
**Zackary Learman**  
512 E. 11 Mile Road  
Royal Oak, MI 48067  
Office: (248) 655-7025  
Nick@kellyfirmspc.com

January 19, 2025

Oakland Township Planning Commission  
4393 Collins Rd  
Rochester, MI 48306

Re: Zoning Ordinance Amendment Regulating Data Centers in R&D District

Dear Planning Commissioners:

Our Firm was asked to draft a zoning ordinance amendment regulating data centers in the Township (attached as Exhibit "A"). The attached Zoning Ordinance amendment addresses a land use that is not expressly regulated under the current Zoning Ordinance but is being proposed in research, industrial, and technology-oriented districts in other municipalities throughout Michigan. While data centers may be compatible with the Research and Development ("R&D") District in Oakland Township, they have characteristics that call for use-specific standards.

For purposes of the proposed ordinance, a "data center" is generally a facility (or portion of a facility) primarily used to house computer servers, data storage systems, and associated equipment that process, store, or distribute digital information, together with the infrastructure necessary to operate the facility (i.e. electrical distribution equipment, cooling/mechanical systems, emergency generators, and related appurtenances). The definition is structured to (1) capture the functional use (processing and storage of digital information); (2) include accessory infrastructure relevant to land use impacts (i.e. cooling and backup power); and (3) distinguish data centers from ordinary office, research, or other technology uses that may also use computers but are not primarily server-based operations. This definition helps ensure that the Township's review and standards apply to the intended data center use without unintentionally regulating routine business or research facilities.

The proposed ordinance would permit data centers as a special land use in the R&D District and establish standards to be applied during special land use review. These standards are intended to address common impacts associated with data centers, including noise from mechanical equipment and backup generators, building scale and design, screening and buffering, exterior lighting and security features, utility and infrastructure demands, and site access and circulation. Regulating data centers as a special land use allows the Planning Commission to evaluate proposals on a case-by-case basis while retaining discretion to impose reasonable conditions of approval consistent with the Zoning Ordinance.

In sum, the goals of the proposed Zoning Ordinance amendment are to (1) clearly define and classify data centers as a distinct land use within the Township; (2) establish data centers as a special land use within the R&D District; (3) incorporate objective, use-specific standards that address the unique characteristics and potential impacts of data centers; and (4) provide a predictable regulatory framework that allows appropriate development while protecting surrounding properties and the public health, safety, and welfare.

At the Planning Commission's March 2026 meeting, the Commission will hold a public hearing on the proposed ordinance amendment and consider its recommendation to the Township Board.

If you have any questions, please do not hesitate to contact me, thank you.

Sincerely,  
**THE KELLY FIRM, PLC**  
*Nicholas Castro*

CHARTER TOWNSHIP OF OAKLAND  
COUNTY OF OAKLAND, STATE OF MICHIGAN

ORDINANCE NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_, 2026

EFFECTIVE: \_\_\_\_\_, 2026

DRAFT

AN ORDINANCE TO AMEND ORDINANCE NO. 16, THE CHARTER TOWNSHIP OF OAKLAND ZONING ORDINANCE, TO DEFINE AND REGULATE DATA CENTERS AS A SPECIAL LAND USE IN THE RESEARCH-DEVELOPMENT (RD) DISTRICT; TO AMEND ARTICLE II (DEFINITIONS), ARTICLE IV (ZONING DISTRICTS), AND ARTICLE V (SPECIAL LAND USES); TO PROVIDE FOR SEVERABILITY; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND TO PROVIDE AN EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF OAKLAND, OAKLAND COUNTY, MICHIGAN  
ORDAINS:

The Charter Township of Oakland Zoning Ordinance is amended to read as follows:

**SECTION I**  
**AMENDMENT OF ARTICLE II (DEFINITIONS)**

Ordinance No. 16, the Charter Township of Oakland Zoning Ordinance, is hereby amended to add the following definition to Article II, Section 16-201 (Defined Terms), to be placed alphabetically under the letter "D," to read as follows:

"Data Center." A facility, building, or portion of a building primarily used to house computer systems and associated components, including but not limited to, servers, telecommunications equipment, data storage systems, redundant data communications connections, uninterruptible power supply systems, battery energy storage systems, backup power supplies, backup generators, switchgear, transformers, substations, and/or environmental controls and cooling systems, together with related mechanical, electrical, and security infrastructure. A Data Center may include associated office space that is incidental and subordinate to the principal use.

**SECTION II**  
**AMENDMENT OF ARTICLE IV (ZONING DISTRICTS) – RD DISTRICT**

Ordinance No. 16 is hereby amended to permit Data Centers as a Special Land Use in the RD Research-Development District by amending Article IV, Section 16-414 (RD. Research-Development District) as follows:

A. Use Permission. A Data Center is hereby established as a Special Land Use in the RD District, subject to (i) the special land use procedures and standards of Sections 16-501 and

16-502 of Article V; (ii) the site plan review requirements of Article VI; and (iii) the use-specific standards set forth in Section 16-530 (Data Centers) as created by Section 3 of this Ordinance.

B. Use Table / Listing Update. Article IV, Section 16-414.02.B, Special Land Uses, is updated to include “Data Center”, subject to 16-530”

**SECTION III**  
**AMENDMENT OF ARTICLE V (SPECIAL LAND USES) – DATA CENTER**  
**STANDARDS**

Ordinance No. 16 is hereby amended to add the following new Section 16-530 to Article V (Special Land Uses), to read as follows:

**16-530 Data Centers**

**A. Special Land Use Required; Location.**

1. A Data Center shall be permitted only as a Special Land Use in the RD District, subject to approval under this Article.
2. A Data Center shall also require site plan approval under Article VI.
3. All Data Centers shall comply with all applicable requirements of this Ordinance, including, without limitation, Section 16-325 (Lighting), Section 16-333 (Outdoor Storage), and Section 16-336 (Screening of Mechanical Equipment).

**B. Application Requirements (In Addition to Article V and Article VI).**

In addition to the materials required by Sections 16-501, 16-502, and Article VI, an applicant for a Data Center shall submit the following:

1. Operations Narrative. A written description of the proposed facility operations, including the anticipated hours of operation, number of employees by shift (if any), security measures, delivery/service activity, and the proposed operational life of the facility.
2. Utility Demand Summary. Written documentation describing anticipated electric demand (peak and average), proposed electric service improvements (if any), and anticipated water usage (if any), including cooling methodology (air-cooled, evaporative, closed-loop, or other).
3. Noise and Mechanical Equipment Plan. A plan identifying the location, specifications, and screening of all rooftop and ground-mounted mechanical equipment, including cooling equipment, generators, transformers, substations, and similar equipment, and demonstrating compliance with Township noise

**DRAFT**

**DRAFT**

DRAFT

standards and any applicable ordinance requirements.

4. Backup Power Systems. A description of all proposed backup power systems, including generator count and size, fuel type, fuel storage (if any), testing protocol, and location(s).
5. Hazardous Materials/Fire Protection. A description of any hazardous materials proposed to be stored or used on site (including battery systems), and a summary of proposed fire suppression and life safety systems, to the extent known at the time of application.
6. Decommissioning Plan (Conceptual). A conceptual plan describing the proposed method of decommissioning and removal of major on-site equipment and improvements upon cessation of operations.

C. Use-Specific Standards.

1. Compatibility/Impacts. The facility shall be designed and operated to minimize off-site impacts, including but not limited to noise, vibration, glare, and visual impacts from buildings, lighting, security fencing, and mechanical yards.
2. Outdoor Storage Prohibited. Outdoor storage of materials, equipment, or components is prohibited except as may be expressly approved as part of the site plan for screened and secured loading/service areas.
3. Mechanical Equipment Screening. All ground-mounted mechanical equipment, generators, transformers, and similar infrastructure shall be screened from view of public rights-of-way and adjacent properties in accordance with Section 16-336 and Article VIII.
4. Generator Testing. Routine testing of backup generators shall be limited to reasonable daytime hours as may be conditioned by the Township in the special land use approval, and shall be conducted in a manner that minimizes noise impacts on surrounding properties.
5. Lighting. Exterior lighting shall comply with Section 16-325 and shall be designed to prevent glare and spillover onto adjacent properties and roadways.
6. Access/Traffic. Driveway locations, internal circulation, and any proposed queuing/loading areas shall be designed to avoid adverse impacts on public roads and shall comply with Township and road agency standards.
7. Emergency Services Coordination. The applicant shall cooperate with the Township Fire Department (and other applicable emergency service providers) regarding access, on-site circulation, and operational safety considerations. Any recommended reasonable conditions may be imposed as part of approval.
8. Permits and Approvals. The applicant shall obtain all applicable federal, state,

and county permits and approvals (including any applicable air, water, and electrical permits) prior to commencing operations, as may be required by law. Evidence of such approvals may be required as a condition of final site plan approval and/or certificate of occupancy.

Approval of a Data Center as a Special Land Use shall require specific findings by the Planning Commission that the proposed use meets the standards of Section 16-502 and this Section 16-530.

#### D. Conditions of Approval.

In granting approval, the Township may impose reasonable conditions and safeguards authorized by Section 16-502 and the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*, to ensure ongoing compliance with the approved site plan, operational limitations, screening, lighting, and other applicable requirements.

## **SECTION IV** **SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision of this Ordinance shall be declared void or unenforceable by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance, which shall continue in full force and effect.

# DRAFT

## **SECTION V** **REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

## **SECTION VI** **EFFECTIVE DATE**

This Ordinance shall take effect eight (8) days after publication of a summary of the Ordinance after adoption, which publication shall occur in a newspaper of general circulation in the Township within fifteen (15) days after adoption, as required by law.

CHARTER TOWNSHIP OF OAKLAND  
Karen Reilly, Clerk

\_\_\_\_\_  
(\_\_\_\_) \_\_\_\_\_