

TOWNSHIP OF BROCKWAY

ORDINANCE NO. D R A F T

AN ORDINANCE TO REGULATE CRYPTOCURRENCY DATA MINING FACILITIES AND DATA CENTERS

The Township of Brockway ordains:

Section 1. Addition of New section 14.55 to the Township Zoning Ordinance.

A new Section 14.55 entitled "Cryptocurrency Data Mining Facilities and Data Centers" is hereby added to the Township's Zoning Ordinance, to read, in its entirety, as follows:

Section 14.55 Cryptocurrency Data Mining Facilities and Data Centers.

1. Definitions. For the purposed of this Section the following terms shall have the below definitions.

ABANDONMENT: A facility shall be deemed abandoned if it ceases substantially all operations for a period of twelve (12) consecutive months. Intermittent maintenance activity, testing, or other de minimis activity shall not constitute operation for purposes of this section.

COMPLAINT VENDOR: A third-party website/web manager of a complaint process.

CRYPTOCURRENCY DATA MINING FACILITY: A facility dedicated to operating data processing equipment for commercial cryptocurrency mining and the process by which cryptocurrency transactions are verified and added to digital ledgers.

DATA CENTER: A structure that houses information technology infrastructure and equipment for building, running, and delivering applications, and the storage of digital data. This includes Artificial Intelligence ("AI") Data Centers.

dB(A): The sound pressure level in decibels referred to in the "A" weighted scale. dB(A) levels are weighted according to weighting curves to approximate the way the human ear hears.

DECOMMISSION: To permanently cease operation of a Cryptocurrency Data Mining Facility or Data Center and remove the facility, equipment, infrastructure, and associated improvements from service in accordance with an approved decommissioning plan..

Lmax: The maximum sound level during a measurement period or noise event.

NON-PARTICIPATING PARCEL: A parcel that is adjacent to a Cryptocurrency

Data Mining Facilities and Data Center that is not subject to a lease, easement, compensation agreement, or other agreement with the Participating Parcel.

PARTICIPATING PARCEL: A parcel of real property that either is owned by an applicant or that is the subject of a lease, easement, or compensation agreement, regardless of whether any part of that Cryptocurrency Data Mining Facilities and Data Centers is constructed on the parcel.

PUBLIC ROAD: Any road or highway which is now or hereafter designated and maintained by the St. Clair County Road Commission as part of the County Road System, or by the Michigan Department of Transportation as part of the State highway system.

RESIDENCE: A building used as a dwelling for one or more families or persons.

RESIDENTIAL AREA: An area zoned or used for residential purposes.

SCADA: Supervisory Control and Data Acquisition, a control system architecture comprising computers, networked data communications, and graphical user interfaces for high-level supervision of machines and processes. SCADA systems are used to oversee the operation of Cryptocurrency Data Mining Facilities and Data Centers

SETBACK: The minimum horizontal distance between any lot line or road right-of-way line and the nearest part of a Cryptocurrency Data Mining Facilities and Data Center building, structure, or improvement.

SLUP: Special Land Use Permit.

D R A F T

2. General Provisions.

- a. Cryptocurrency Data Mining Facility and Data Centers shall only be permitted in the Township in the AG, Agricultural Districts in Section 25 on the east side M-19 (Emmett Road) between Wilkes Road and Norman Road and Section 36 on the east side of M-19 (Emmett Road) between Norman Road and M-136 (Metcalf Road), subject to special land use and site plan approval, pursuant to the requirements and conditions of this Zoning Ordinance.
- b. The Township desires to preserve the physical integrity of land near residential areas. The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this Section.
- c. This Section is not intended to abridge health, safety, or environmental requirements contained in other applicable codes or ordinances. The provisions of this Section shall not be deemed to nullify and provisions of local, county, state or federal law.

3. Special Land Use Application Requirements. In addition to the requirements of Section 14.04, an applicant for special land use approval of a Cryptocurrency Data

Mining Facility or Data Center must provide the Township with all of the following:

- a. An application fee in an amount set by resolution of the Township Board.
- b. A list of all parcel numbers that the Cryptocurrency Data Mining Facility or Data Center will use; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- c. The application shall include the names, addresses, and contact information (email addresses and telephone numbers) of the applicant and owner(s) (if different from the applicant), and date of submittal.
- d. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- e. Current photographs of the subject property. D R A F T
- f. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Cryptocurrency Data Mining Facility or Data Center will be connected to the power grid.
- g. A storm water assessment and written plan for maintaining the subject property, including a plan for maintaining, repairing and inspecting drain tiles, drainage and addressing storm water management and a plan to prevent storm water pollution, which is subject to the Township's review and approval.
- h. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Cryptocurrency Data Mining Facility or Data Center, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Cryptocurrency Data Mining Facility or Data Center and restore the subject parcels, which is subject to the Township's review and approval.
- i. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within

14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

- j. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township's review and approval.
- k. A plan for managing any hazardous waste (as defined under U.S. EPA and Michigan EGLE statutes and regulations), which is subject to the Township's review and approval.
- l. A fire protection plan, which identifies the fire risks associated with the Cryptocurrency Data Mining Facility or Data Center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
- m. Emergency Response information, including available safety data sheets, emergency contact information, and facility shutdown procedures. The information shall be updated as necessary to reflect material operational changes.
- n. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- o. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township's review and approval.

D R A F T

- p. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.
- q. The application shall provide a general description of the project, which shall

include at minimum: size in acres, wattage capacity, safety concerns, noise characteristics, manufactures of all equipment (including names, addresses, and model numbers) development timeframe and phases, project life and possible future expansion. Supporting documentation necessary to address review requirements shall be provided.

- r. All parcels that will be included as participating or non-participating parcels in the Cryptocurrency Data Mining Facility or Data Center shall be identified in the application. This includes parcels that will be traversed during any construction or during operation.
- s. An economic impact study shall be prepared and submitted for the area affected by the Cryptocurrency Data Mining Facility or Data Center. Such a study shall address the following, at minimum: estimates of the impact on property tax revenues for all taxing jurisdictions on a yearly basis for the life of the project, estimates of construction and permanent job creations, average lease payments per acre for participating parcels, property value impact for participating and non-participating landowners, and impact on residential growth in the community.
- t. A soil erosion and sedimentation control plan must be submitted, which shall be subject to approval by the St. Clair County designated Soil Erosion Control Officer.

D R A F T

- u. A comprehensive plan of all power supply agreements shall be included. Any planned wind/solar/BESS intended for internal consumption shall conform to the Township's existing regulations governing the same.
- v. A noise impact study prepared by a qualified acoustical professional, subject to Township approval. The study shall identify existing ambient sound levels in the vicinity of the proposed Cryptocurrency Data Mining Facility or Data Center, estimate anticipated operational sound levels at property lines and nearby residences, identify the principal sources of noise associated with the facility, and demonstrate compliance with the noise standards of this Section. The Township may require the applicant to revise the study or provide additional information as reasonably necessary to evaluate potential noise impacts. The applicant shall bear all costs associated with the preparation, revision, supplementation, and Township review of the noise impact study.
- w. A decommissioning plan for review and approval by the Township. The plan shall identify the estimated operational life of the Cryptocurrency Data Mining Facility or Data Center; the anticipated manner and timeline for removal of all buildings, structures, equipment, utilities, fencing, and other associated improvements; the method for restoration of the site following removal; and the estimated cost of decommissioning prepared by a qualified professional acceptable to the Township. The applicant shall provide financial security in accordance with this Section to ensure completion of the approved decommissioning plan.
- x. Power and Electrical Capacity. The applicant or operator shall provide a capacity

confirmation letter or certification from the electric utility provider demonstrating that sufficient electrical capacity is available to serve the proposed Cryptocurrency Data Mining Facility or Data Center.

- i. The capacity confirmation letter or certification shall also state that all costs associated with required infrastructure improvements, upgrades, interconnections, or extensions necessary to serve the facility shall be borne solely by the applicant or operator.
 - ii. The applicant shall be responsible for all coordination with the electric utility provider and shall comply with all applicable utility requirements and regulatory approvals.
- y. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

7. System and Location Requirements. In addition to the requirements of 18.06 for a site plan, the site plan must include all of the following:

- a. Equipment. All equipment used in any Cryptocurrency Data Mining Facility or Data Center must be housed in a metered, electrically grounded, and pre-engineered or prefabricated metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes.
- b. Structures. All principal and accessory structures used for cryptocurrency mining operations and/or data centers, shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. If prefabricated, pre-engineered, or modular structures are installed, the following standards are required:
 - i. All structures shall have concrete foundations. **D R A F T**
 - ii. All exterior facades shall have muted earth tone colors that will blend the facility into the natural setting and existing environment, and shall not be defective, decayed or corroded
 - iii. If intermodal shipping containers are utilized such installation shall comply with current National Electrical Code standards.
 - iv. The facility shall be maintained in a safe, orderly, and operational condition at all times.
- c. Lighting. The lighting of the Cryptocurrency Data Mining Facility or Data Center is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Cryptocurrency Data Mining Facility or Data Center. The Cryptocurrency Data Mining Facility or Data Center must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.

- d. Security Fencing. Security fencing must be installed around all electrical equipment related to the Cryptocurrency Data Mining Facility or Data Center. Such fencing must be a minimum seven (7) feet tall and must use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment. Fencing must be the color black (painted or installed in that color) to help it blend in with its surroundings. Access gates shall be always be locked when authorized personnel are not present. A means of access shall be provided for emergency personnel (Knox box, electronic keypad, passcode, etc.)
- e. Noise. The noise generated by the Cryptocurrency Data Mining Facility or Data Center must not exceed 40 dBA Lmax, as measured at the property line of any adjacent parcel. Post-Construction Noise Verification. Upon reasonable cause to believe the Cryptocurrency Data Mining Facility or Data Center is not in compliance with the noise requirements of this Section, the Township may require the applicant or operator to obtain a noise compliance study prepared by a qualified, independent acoustical professional approved by the Township. The applicant or operator shall bear all costs associated with the study and any Township review thereof.
- f. Signage. The Cryptocurrency Data Mining Facility or Data Center shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.
- g. Screening. The entire perimeter of a Cryptocurrency Data Mining Facility or Data Center shall be screened by evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Cryptocurrency Data Mining Facility or Data Center, subject to the following requirements:

D R A F T

- i. The landscape screening shall be within a twenty-five (25) foot wide greenbelt surrounding the Cryptocurrency Data Mining Facility or Data Center on all sides. The screening shall consist of a double row of evergreen trees planted no farther than fifteen (15) feet apart. The evergreen trees shall be eight (8) feet in height at the time of planting. The Planning Commission may approve a native vegetative buffer at the time of site plan review if it has equal screening value.
 - ii. All dead or diseased plant material shall be replaced by the applicant within six (6) months, or within the next appropriate planting period, whichever occurs first.
- h. Underground Transmission. All power transmission or other lines, wires, or conduits from a Cryptocurrency Data Mining Facility or Data Center to any building or other structure must be located underground at a depth that

complies with current National Electrical Code standards, except for power switchyards or the area within a substation.

- i. Utilities and Infrastructure. The site plan shall identify the location of all existing and proposed aboveground and underground utilities serving the Cryptocurrency Data Mining Facility or Data Center, including electrical transmission and distribution lines, gas lines, telecommunications facilities, fiber optic lines, and other utility infrastructure. The site plan shall also identify all infrastructure proposed to connect the facility to the utility grid.
- j. Drain Tile Inspections. The Cryptocurrency Data Mining Facility or Data Center must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years using a robotic camera, with the first inspection occurring before the Cryptocurrency Data Mining Facility or Data Center is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

D R A F T

k. Fire Protection.

- i. Before any construction of the Cryptocurrency Data Mining Facility or Data Center begins, the Township's fire department (or the fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Cryptocurrency Data Mining Facility or Data Center must implement. The fire chiefs decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chiefs determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
- ii. The applicant or operator may amend the fire protection plan from time to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
- iii. The Cryptocurrency Data Mining Facility or Data Center must comply with the fire protection plan as approved by the fire chief (or as

approved by the Township Board in the event of an appeal).

- iv. The Cryptocurrency Data Mining Facility or Data Center must contain an internal fire suppression system that shall be reviewed and tested at least once every twelve (12) months by a third-party contractor approved by the fire chief.
- v. Applicant must provide all Township Fire Department contractors with the appropriate equipment and training to address fires in the Cryptocurrency Data Mining Facility or Data Center.
- l. Environmental Features. The site plan shall identify the location of regulated wetlands, floodplains, lakes, streams, ponds, wooded areas, and other significant natural features located on the subject property. Any proposed disturbance of such features shall be clearly identified.
- m. Roads and Access. The site plan shall identify all proposed access roads, driveways, construction access routes, and any improvements proposed to public roads. The site plan shall also identify anticipated construction traffic routes and emergency vehicle access routes.
- n. Complaint Tracking and Resolution. The applicant shall engage a Township-approved complaint vendor to submit a detailed, written complaint, web-based resolution process to resolve complaints from the Township Board, property owners, or residents concerning the construction or operation of the Cryptocurrency Data Mining Facility or Data Center. The complaint resolution process, which must be approved by the Planning Commission as a condition of approval of the special land use permit application, shall include the following elements at minimum:

D R A F T

 - i. The complaint vendor shall report to the Township Board.
 - ii. The complaint vendor shall manage a public website that includes a time-stamped log of all complaints. Methods of contact shall include voice, text, and email.
 - iii. The Township shall have management control of the complaint website and oversight of hosting company. The applicant shall not be permitted to edit, change, or control the site.
 - iv. The complaint vendor shall log into site and update status of each complaint's resolution with complete logging.
 - v. A complaint investigation escrow account in the amount of \$25,000 shall be established with the Township by the applicant for investigation of complaints. Funds in this account may be used at the discretion of the Township Board for investigation of complaints. This fund must be replenished by the applicant or Cryptocurrency Data Mining Facility or Data Center owner at any point that the balance falls below \$10,000.
 - vi. A flow chart shall be provided showing the complaint response protocol

including 1) a time limit, not to exceed thirty (30) days, for acting on and resolving complaints, 2) how complaints are recorded and dealt with, and 3) a provision specifying that resolution in some instances shall include rendering the unit inoperable.

- vii. If the Township Board requires corrective action, then the applicant shall submit SCADA data to the Township to demonstrate compliance with Ordinance requirements. The SCADA data shall be submitted within twenty (20) calendar days after the request is issued by the Township. The scope and format of the SCADA data shall be specified by the Township and its professional engineers.
- viii. The Township Board reserves the right to require Cryptocurrency Data Mining Facility or Data Center Applicant to shut down any Cryptocurrency Data Mining Facility or Data Center that does not meet ordinance requirements until such Cryptocurrency Data Mining Facility or Data Center meets ordinance requirements.
- o. Compliance with Applicable Codes and Regulations. Cryptocurrency Data Mining Facility or Data Center facilities shall comply with the State Construction Code, the National Electrical Code, and other applicable Local, County, State, and Federal codes.
- p. Environmental Analysis. An environmental analysis shall be prepared and submitted, which shall demonstrate the mitigation measures necessary to minimize impacts on natural resources and wildlife. The analysis shall demonstrate compliance with the Federal Endangered Species Act and Michigan's endangered species protection laws. The environmental analysis shall demonstrate compliance with the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended), particularly as it relates to protection of endangered species, eagles and other raptors, birds, and/or other wildlife, as required by the Township for review. Studies shall be limited to an area within three (3) miles outside of the Township boundaries. In addition, the environmental analysis shall assess the impact of the project on potable water supply and quality.
- q. Emissions.

D R A F T

 - i. Any backup power generation equipment utilized by the Cryptocurrency Data Mining Facility or Data Center shall meet or exceed U.S. EPA Tier 4 emissions standards, or the most current equivalent standard applicable at the time of installation.
 - ii. The applicant or operator shall provide annual reporting of air emissions associated with facility operations, including backup generation usage to the Township.
 - iii. The Cryptocurrency Data Mining Facility or Data Center shall not store or use hazardous or industrial chemicals on-site, except for customary quantities of materials necessary for routine building maintenance and operation, which shall be stored and handled in accordance with applicable codes and regulations.
- r. Remedies. If an applicant or operator fails to comply with this Section, the

Township, may pursue any remedy or enforcement, including but not limited to the removal of any Cryptocurrency Data Mining Facility or Data Center pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

- s. Insurance. The applicant or operator will maintain property/ casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. Brockway Township shall be listed as an additional insured on the policy at all times. Proof of a current policy is required annually and must be provided each year to the Township prior to the anniversary date of the SLUP.
- t. Permits. All required county, state, and federal permits must be obtained before the Cryptocurrency Data Mining Facility or Data Center begins operating. A building permit is required for construction of a Cryptocurrency Data Mining Facility or Data Center regardless of whether the applicant or operator is otherwise exempt under state law.
- u. Financial Security. To ensure proper decommissioning of a Cryptocurrency Data Mining Facility or Data Center upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 150% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
- v. Extraordinary Events. If the Cryptocurrency Data Mining Facility or Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- w. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - i. Current proof of insurance;
 - ii. Verification of financial security; and
 - iii. A summary of all complaints, complaint resolutions, and extraordinary events.
- x. Inspections. The Township may inspect a Cryptocurrency Data Mining Facility or Data Center at any time by providing 24-hour advance notice to the applicant or operator.
- y. Transferability. A special land use permit for a Cryptocurrency Data Mining Facility or Data Center is transferable to a new owner. The new owner must register their name, business address and contact information with the Township within ninety (90) days of transfer of ownership, and must comply

D R A F T

with this Ordinance and all approvals and conditions issued by the Township.

- z. Roads. Any material damage to a public road located within the Township resulting from the construction, maintenance, or operation of a Cryptocurrency Data Mining Facilities and Data Center shall be repaired at the applicant's expense within ninety (90) days of completion of construction or maintenance. The applicant shall submit to the Michigan Department of Transportation or St. Clair County Road Commission, as appropriate, a description of the routes to be used by construction and delivery vehicles and anticipated road improvements that will be necessary to accommodate construction vehicles, equipment, and deliveries. The applicant shall abide by all State or County requirements regarding the use and/or repair of the roads.
- aa. Water. The Cryptocurrency Data Mining Facility or Data Center must utilize a closed-loop water cooling system or a zero-loop water cooling system. The use of evaporative cooling towers is prohibited. Use of groundwater may not unreasonably interfere with the rights of neighboring landowners to reasonably use groundwater from beneath their property and may not unreasonably impair the quality of the groundwater. A comprehensive plan of complaint response and mitigation shall be included for those surrounding wells. **D R A F T**
- bb. Decommissioning. If a Cryptocurrency Data Mining Facility or Data Center is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. A facility shall be deemed abandoned if it ceases substantially all operations for a period of twelve (12) consecutive months. Intermittent maintenance activity, testing, or other de minimis activity shall not constitute operation for purposes of this section. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. Soil excavated for the purposes of constructing a Cryptocurrency Data Mining Facility or Data Center foundation shall be retained on site so that it can be used for site restoration at the time of decommissioning. The requirements of this subsection also apply to a Cryptocurrency Data Mining Facility or Data Center that is never fully completed or operational if construction has been halted for a period of one (1) year.
- cc. Height and Setback Requirements. Cryptocurrency Data Mining Facility or Data Center must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Requirement	Standard
Height	Forty five feet (45') or three (3) stories, whichever is least
Occupied community buildings and dwellings on nonparticipating properties	Three Hundred (300) feet from the nearest point on the outer wall
Public road right-of-way	Two Hundred and fifty (250) feet measured from the nearest edge of a public road right-of-way
Nonparticipating parcel	Two Hundred and fifty (250) feet measured from the nearest shared property line

Section 2. Amendment of Section 403

Sections 4.03 of Brockway Township's Zoning Ordinance is hereby amended to add "Cryptocurrency Data Mining Facilities and Data Centers" as a special land use in the AG, Agricultural District in Section 25 on the east side M-19 (Emmett Road) between Wilkes Road and Norman Road and Section 36 on the east side of M-19 (Emmett Road) between Norman Road and M-136 (Metcalf Road) .

D R A F T

Section 3. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).