

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 138-13.101 TO ADD A DEFINITION OF DATA CENTER TO ARTICLE 13 DEFINITIONS TO CHAPTER 138, ZONING, AND TO ADD CHAPTER 3, TEMPORARY MORATORIUM, SECTION 138-5.301 TEMPORARY MORATORIUM FOR DATA CENTERS, TO ARTICLE 5-SCHEDULE OF REGULATIONS, TO ESTABLISH A TEMPORARY MORATORIUM SUSPENDING THE CITY'S PROCESSING AND ACCEPTANCE OF APPLICATIONS AND PLANS FOR DEVELOPMENT, AND IMPROVEMENT OF DATA CENTERS, TO CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PRESCRIBE A PENALTY FOR VIOLATIONS, AND TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-13.101 to Chapter 138 of the Code of Ordinances, shall be amended to add a definition for Data Center, as follows:

Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, servers, data storage devices, and other associated components. This use includes the mechanical and electrical infrastructure necessary to support the facility's operation, and may also include, but is not limited to cooling systems, uninterruptible power supplies (UPS), backup generators, electrical substations, and fuel storage. A Data Center is distinct from a professional office or warehouse use.

Section 2. Chapter 3, Section 138-5.301 to Chapter 138 of the Code of Ordinances, Article 5-Schedule of Regulations, shall be added as follows:

Chapter 3, TEMPORARY MORATORIUM

Sec. 138-5.301. Temporary Moratorium for Data Centers.

(a) *Purpose.*

1. The City has identified concerns relating to the potential location and regulation of Data Centers due to the speed of and significantly evolving nature of Data Centers and their potential impacts, including, but not limited to, building height, size, density of development, noise, vibration, light pollution, water requirements, electricity demands, and their compatibility with residential and other zoning districts and what regulations should be required to protect other existing uses within the City and appropriately regulate size, location, and conditions of operation for Data Centers.

2. In order to maintain the status quo while the City studies and reevaluates Data Centers and evaluates appropriate zoning locations and regulations for such uses, the City Council determines it is in the City's best interest to adopt a moratorium temporarily suspending the City's processing or acceptance of applications, plans, or permits for the development, improvement, or alteration of land for Data Centers.

(b) **Moratorium.** A temporary moratorium is established suspending the processing and acceptance of any applications, plans, or permits for the development, improvement, or alteration of any land parcel, lot, or premises for Data Centers within the City. This moratorium does not apply to any Data Center development or building that received, or has submitted complete plans to the City for, site plan approval on or before February 23, 2026.

This moratorium shall remain in effect until repealed by the City Council or until the expiration of 180 calendar days, whichever occurs sooner. The City Council also reserves the right, at the end of the 180 day period to extend the moratorium upon a showing that work and review of existing and proposed ordinances has been ongoing and that additional time is necessary to complete such work. The time of such extension shall be determined at that time and shall be the least amount of time necessary to appropriately complete such work.

Section 3. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word, and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 4. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefor shall be punishable by a civil fine of not more than \$500.

Section 5. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2026 following its publication in the *Oakland Press* on _____, 2026.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2026.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY
THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING
THEREOF ON _____, 2026.

Leanne Scott, City Clerk
City of Rochester Hills