CITY COUNCIL MEETING
AGENDA – February 2, 2026

Mason City Hall, 201 W. Ash Street, Mason, MI
Sycamore Room, 7:30 p.m.

Joint Recognition Award Ceremony will occur prior to the City Council meeting, in the Sycamore Room, and may cause a delay. ***The public related to this meeting is encouraged not to enter the Chambers until the Ceremony is completed to allow space for friends and family of awardees.***

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE AND INVOCATION**

4. **PUBLIC COMMENT**

5. **CONSENT CALENDAR**
   - A. Minutes:
     1. Approve Minutes of Regular Council Meeting January 19, 2026
   - B. Correspondence:
     1. Receipt of Resignation from Billie Smith from the Downtown Development Authority
     2. Receipt of Resignation from Mitchell Perrault from the Planning Commission
     3. Receipt of Written Public Comments Regarding Proposed M-3 Zoning District
   - C. Financials:
     1. Authorize Motor Vehicle Pool purchase of 2026 Ford Explorer (CIP: 2021-MVP2) from Gorno Ford and equipping from Mid-Michigan Emergency Equipment in the Combined Amount of $43,497.52
   - D. Resolutions:
     1. Resolution 2026-05: Approval of 2026 Poverty Exemption Standards for Asset and Income Levels for the Board of Review

6. **UNFINISHED BUSINESS**
   - A. Receipt of Report on Ordinance 266 Formal Comment Period and Staff Recommendations as Required by Resolution 2026-01
   - B. Ordinance 266: Take Up Second Reading and Adoption of Amended Ordinance 266 to Amend the City Code of the City of Mason by Adding Section 94-153 to Chapter 94 Zoning, Creating A New Technology Innovation (M-3) Zoning District, and Updating Various Sections within the Code to Allow for the New M-3 Zoning District *(Deferred from January 5, 2026 to this meeting)* and Consider Proposed Amendments *(Whipple and Vercher)*

7. **NEW BUSINESS**

8. **MEMBER REPORTS**

9. **MANAGER'S REPORT (01/30/26)**

10. **ADJOURN**

In accordance with the **Americans with Disabilities Act (ADA),** individuals who need accommodations to participate in this meeting, require meeting materials in an alternative format, or need additional assistance should contact Customer Service at 517.676.9155 by 9:00 a.m. the day of the meeting. For Michigan Relay services, visit: https://hamiltonrelay.com/michigan/index.html.

Minutes

Cover sheet provided in lieu of Agenda Report.

CITY OF MASON
CITY COUNCIL REGULAR MEETING MINUTES

January 19, 2026

CALL TO ORDER

Mayor Whipple called the meeting to order at 6:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

ROLL CALL

Present: Councilmembers: Droscha, Ferris, Husby, Preadmore, Schaffer, Vercher, Whipple
Absent: Councilmembers: None

Also present: City Manager Stuart, City Clerk Jarvis, Executive Assistant Martin

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Husby led the Pledge of Allegiance and offered the invocation.

ELECTION OF MAYOR PRO TEM

Mayor Whipple opened the nominations for the Office of Mayor Pro Tem

Husby nominated Jerry Schaffer for Mayor Pro Tem
Ferris nominated Jon Droscha for Mayor Pro Tem

Schaffer (2) Husby, Schaffer
Droscha (5) Droscha, Ferris, Preadmore, Vercher, Whipple

JON DROSCHA ELECTED MAYOR PRO TEM

PUBLIC COMMENT

1.19.2026 Spoken Public Comments - Regarding Proposed Ordinance 266 and Data Centers

	Name	Address	City State Zip	City Resident	Affiliation	Opinion
1	Shawn Sodman	350 S. Jefferson St	Mason, MI 48854	Yes		Support
2	Jack Carmichael	519 S Rogers St	Mason, MI 48854	Yes		Oppose
3	Rex Hauser	117 W Sycamore St	Mason, MI 48854	Yes		Voiced concerns with the recall process
4	Robert Kerr	1601 S College Rd	Mason, MI 48854	No		Oppose
5	Susan Elliott	3731 Josephine Ln	Mason, MI 48854	No		Oppose
6	Megan Short	3755 W Howell Rd	Mason, MI 48854	No		Oppose
7	Patrick Lind	22 N Diamond Rd	Mason, MI 48854	No		Oppose
8	Vercilla Hart	12805 Berryville Rd	Rives Junction, MI 49277	No		Voiced concern that a data center is not in line with the Master Plan
9	Julie Miller	3390 W Howell Rd	Mason, MI 48854	No		Oppose
10	Leo Bayard	180 Kingman Rd	Mason, MI 48854	No		Oppose

11	Levi Rogers	2401 Covert Rd	Mason, MI 48854	No		Oppose
12	Delinda Benson	1437 Plains Rd	Leslie, MI 49251	No		Oppose
13	Annette Beyersdorf	930 W South St	Mason, MI 48854	Yes		Oppose
14	Doug DeLind	3257 W Howell Rd	Mason, MI 48854	No		Oppose
15	Emerson Hyde	1321 Hagadorn Rd	Mason, MI 48854	No		Oppose
16	Tabitha Olson	1121 E Mount Hope Rd	Lansing, MI 48910	No		Requested a longer moratorium
17	Cathy Baird	275 Ives Rd	Mason, MI 48854	No		Oppose
18	Alex Hoffmeyer	510 W Ash St	Mason, MI 48854	Yes		Oppose
19	Suzette Darnell Holloway	999 W Dansville Rd	Mason, MI 48854	No		Oppose
20	Gail Love	565 Riverwalk Dr	Mason, MI 48854	Yes		Oppose
21	Christopher Richards	512 Nichols Rd	Mason, MI 48854	No		Oppose
22	Tamara Bauer	505 Riverwalk Dr	Mason, MI 48854	Yes		Requested a longer moratorium
23	Tiffany Doolittle	1100 Hawley Rd	Mason, MI 48854	No		Oppose
24	Trish Walley	402 North Ct	Mason, MI 48854	Yes		Oppose
25	Chris Sheely	424 W Columbia Rd	Mason, MI 48854	Yes		Oppose

CONSENT CALENDAR

A. Minutes:
   1. Approve Minutes of Regular Council Meeting January 5, 2026
   2. Approve Minutes Closed Session Council Meeting January 5, 2026
   3. Approve Minutes of Special Council Meeting January 12, 2026

B. Correspondence:
   1. Receipt of Resignation from John Vercher from Various Boards and Commissions

C. Financials:
   1. Receipt of Monthly Revenue and Expenditure Report for Period Ending December 31, 2025
   2. Receipt of Quarterly Investment Report for Period Ending December 31, 2025

D. Resolutions:
   1. Resolution 2026-04: Revise Rayner Creek Drain – Mason Easement

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2026-04

A RESOLUTION TO REVISE RAYNER CREEK DRAIN – MASON EASEMENT

January 19, 2026

WHEREAS, the City of Mason granted an easement to the Rayner Creek Drain, a county drain under the supervision of the Ingham County Drain Commissioner in 2022; and

WHEREAS, the City Engineer discovered an error in the legal description, which, upon notice, the Drain Commissioner has prepared a corrected Drainage Easement; and

WHEREAS, the City of Mason believes that it is in its best interest to execute the attached easement prepared by the Drain Commissioner, as presented.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the Mayor and Clerk to execute the revised Rayner Creek Drain - Mason Easement.

MOTION by Preadmore second by Husby,
to Approve the Consent Calendar as presented

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS
None

NEW BUSINESS

A. Ordinance 267: A Moratorium on the Approval of data Centers
   1. Second Reading and Adoption of Ordinance 267 to Establish a Moratorium on the Approval of Data Centers as a Land Use in the City (with immediate effect if adopted and after posting in compliance with Section 7.4 of the City Charter)

   MOTION by Droscha, second by Vercher
   to Read for a second time and Adopt Ordinance 267 to Establish a Moratorium on the Approval of Data Centers as a Land Use in the City (with immediate effect if adopted and after posting in compliance with Section 7.4 of the City Charter

   MOTION by Schaffer, second by Husby
   to Amend Ordinance 267 to 180 days for the Moratorium

   Yes (2) Husby, Schaffer
   No (5) Droscha, Ferris, Preadmore, Vercher, Whipple

   MOTION FAILED

   2. Motion to Amend Ordinance 267 as Presented

   MOTION by Preadmore second by Droscha
   to Amend Ordinance 267 as Presented

   Yes (5) Droscha, Ferris, Preadmore, Vercher, Whipple
   No (2) Husby, Schaffer

   MOTION APPROVED

   Yes (5) Droscha, Ferris, Preadmore, Vercher Whipple
   No (2) Husby, Schaffer

   ORIGINAL MOTION APPROVED

B. Authorization for the City Manager to Execute the Settlement Agreement Related to Esquire Construction and Development Company v. City of Mason Lawsuit in an Amount of $200,000

MOTION by Droscha second by Preadmore
to Authorize the City Manager to Execute the Settlement Agreement Related to Esquire Construction and

Development Company v. City of Mason Lawsuit in an Amount of $200,000

Yes (5) Droscha, Ferris, Preadmore, Vercher, Whipple
No (2) Husby, Schaffer

MOTION APPROVED

C. Approve Purchase Agreement of City Property (Parcel 33-019-10-351-004) with Stonestreet Partners, LLC in the Amount of $1,050,000 for the Development of Approximately 56.76 acres into a Residential Housing Development and Authorize City Representatives to Execute the Document

MOTION by Vercher second by Ferris
to Approve Purchase Agreement of City Property (Parcel 33-019-10-351-004) with Stonestreet Partners, LLC in the Amount of $1,050,000 for the Development of Approximately 56.76 acres into a Residential Housing Development and Authorize City Representatives to Execute the Document

MOTION APPROVED UNANIMOUSILY

MEMBER REPORTS

- Councilmember Ferris reported that the Historic District Commission met at 6 p.m. today
- Councilmember Droscha reported on an AI search that he did regarding rights that local municipalities have in preventing data centers from building
- Vercher recommended that increased education be done regarding data centers, including direct mailing and enhancing the FAQ document to cover themes from the formal public comment portal.
- Whipple provided several remarks in response to Public Comment

CITY MANAGER'S REPORT (1/16/2026)

- Manager Stuart reminded everyone of the Joint Recognition Ceremony to take place on February 2, 2026, at 6:30 p.m. and that the City Council meeting will start at 7:30 p.m.
- Manager Stuart said that staff are actively working on an expanded FAQ document.

ADJOURN

The meeting was adjourned at 8:22 p.m.

Sarah J. Jarvis City Clerk
City of Mason, County of Ingham, State of Michigan

Correspondence

Cover sheet provided in lieu of Agenda Report.

COMMERCIAL BANK
TRUSTED SINCE 1893

January 28th, 2025

Dear Mayor Whipple, Chairperson DeLong, & City Manager Stuart,

This letter is to formally notify you that Billie Smith is no longer serving as a representative of Commercial Bank on the Downtown Development Authority (DDA) Board, effective January 27, 2026.

As Billie Smith is no longer employed with Commercial Bank, he is unable to continue representing the bank in this capacity. Any continuation of service on the DDA Board would be at the discretion of the Board and in accordance with DDA policies and guidelines.

Please let us know if any additional information is needed to support this transition. Thank you for your understanding, and we look forward to the opportunity to appoint a new Commercial Bank representative to the DDA Board when our position is filled.

Sincerely,

Kevin D. Collison
President and CEO

EQUAL HOUSING LENDER Member FDIC

From: Mitchell Perrault <mitchellperrault@hotmail.com>
Date: January 21, 2026 at 11:59:01 AM PST
To: Russell Whipple <russw@mason.mi.us>, Mitchell Perrault <mitch@perraultlawoffice.com>
Subject: Resignation from Mason Planning Commission

Russ,

Please accept this email as my resignation from the Mason Planning Commission. Thank you for allowing me the opportunity to serve the Mason Community.

Thanks,

Mitch Perrault

Written Public Comments for 2.2.26					
	Name	Address	City, State Zip	City Resident	Affiliation
1	Patrick Kelley	850 Holt St.	Mason, MI 48854	Yes	None
2	Michael Koot	951 N. Jefferson St.	Mason, MI 48854	Yes	None

From: Patrick Kelley <kelley_patrick@hotmail.com>
Sent: Saturday, January 31, 2026 5:59 PM
To: masonclerk <masonclerk@mason.mi.us>
Subject: Mason City Council - Public Comment

Patrick Kelley

850 Holt St

Mason, Mi 48854 since 1978

Clairvoyance or Caution

The City of Mason's future rests with the decisions made by this Council. There are many aspects to the M-3 proposal that are needed to insure the City of Mason's most prosperous future.

Few of us possess the ability of clairvoyance. The Mayor and majority of the City Council report that they have read much about the Data Centers and seem to believe they know best what the City of Mason needs with this M-3 ordinance.

Many of the good folks attending tonight also have read much information and believe they know what is best for our wellbeing and comfort.

Both sides claim to "know" what is best based on current knowledge.

Would you agree that we all lack the ability to see or know what the future will be?

Caution or clairvoyance? What is best for Mason?

The City Council will determine what happens for our city and surrounding Townships.

I am asking you, the managers of our future do you factually "know" what the impact of your M-3 changes will be 3, 5 or 10 years for the City of Mason and the area around us? Are you clairvoyant enough to decide today what the future of the City of Mason will be? Is the potential additional tax revenue important enough to speed through the M-3 updates as soon as possible? Is greed part of your decision-making process?

Caution may be the better decision right now.

Why is this M-3 ordinance not up for a public vote?

If the Mason City Council is clairvoyant, congratulations.

I am on the side of caution and ask that you, our leaders to be cautious with our wellbeing and future. A delay and/or a moratorium seems best for all of us at this time.

Thank you.

Patrick Kelley

From: Michael Koot <mkoot75@gmail.com>
Date: February 2, 2026 at 4:29:32 PM EST
To: masonclerk <masonclerk@mason.mi.us>
Cc: Elizabeth Hude <elizabethh@mason.mi.us>, Russell Whipple <russw@mason.mi.us>, Deborah Stuart <deborahs@mason.mi.us>
Subject: Public Comment. M3. FEB 2.

Please share with City Council
FEB 2, 2026

Subject: M3 Zoning District Public Comment

Dear Members of the Mason City Council,
I am a City resident who lives at 951 N. Jefferson St and a consistent voter in local elections.

I submitted lengthy proposed amendments through the portal.I have read the entire FAQ section and the proposed changes to Ordinance 266. These are simply not enough.

The current version of the M3 Ordinance needs to be updated to offer more protections to residents. At a previous meeting, it was stated that this ordinance was the strongest in Michigan for protection against data centers. Mayor Whipple said that Mason's ordinance was the most restrictive in the state. That simply is not the case as Henrietta Township has written an ordinance that is much more protective.

I am requesting:

- That you enact a moratorium of at least 180 days to allow residents, City Council and qualified professionals to evaluate all aspects of the ordinance.
    - There is also new state legislation that is entering committees to better regulate data centers (Senate Bills 761, 762, 763). A moratorium will allow the legislative process to play out.
    - It is not too late to listen to the vast number of your constituents.
- Strengthen the current ordinance to be much more protective. Take a look at the ordinance in Henrietta Township. There will also be other communities around that state that have good ideas for more restrictions to protect their communities. Take the time to gather these ideas. Here are a few specific ideas.
-
    - 300 foot setbacks like Henrietta Twp (vs 150/200 feet M3 - Mason)
    - Lower the maximum height of buildings to 45 feet (from 70 feet) to match that of Mason's M2. Also note that Henrietta Twp's ordinance has maximum height at 40 feet unless there is special permit for it to be larger.

Sound levels in the proposed amendment are still too high.

- SInce the lowest accepted for M2 in "quiet hours" is 50 dB, then this should be at least the same for M3 data centers - averages of 50 / 55 depending on time of day near residential zonings.

Regards

Michael Koot
563-587-9092

Financials

Cover sheet provided in lieu of Agenda Report.

Agenda Report: February 2, 2026 City Council Meeting

AGENDA ITEM

Authorize Motor Vehicle Pool Purchase of 2026 Ford Explorer (CIP: 2021-MVP2) from Gorno Ford and Equipping from Mid-Michigan Emergency Equipment in the Combined Amount of $43,497.52

RECOMMENDED ACTION

Authorize Motor Vehicle Pool Purchase of 2026 Ford Explorer (CIP: 2021-MVP2) from Gorno Ford and Equipping from Mid-Michigan Emergency Equipment in the Combined Amount of $43,497.52

PROJECT DETAILS

Regular replacement of vehicles is part of an overall strategy to reduce costs and maintain equipment for critical responsibilities of the City. The replacement of Police Detective Vehicle No. 5 is scheduled for this fiscal year as part of the adopted Capital Improvement Program (CIP) and City Budget. This replacement is based on the age and condition of the current vehicle, which was purchased in 2017.

The CIP and budget anticipated replacement with a pursuit-rated Interceptor, but staff evaluated the past use of the vehicle and is now recommending that it be replaced with an Explorer vehicle that is not pursuit-rated. This reduces the cost and some of the required equipment.

The previous Police Detective Vehicle No. 5 will be sent to auction.

Staff recommends purchasing from the vendors listed below, identified as the low-cost provider through the State of Michigan MiDEAL, a cooperative bid process. The utilization of a cooperative bid process meets our bidding requirements in our ordinance, streamlines the procurement process, and ensures competitive pricing.

Quotes were received from MiDeal from the following companies:

Vendor	Location	Bidding Process	Amount
Gorno Ford	Woodhaven, MI	State of Michigan MiDEAL	$36,855.00
Mid-Michigan Emergency Equipment	Holt, MI	State of Michigan MiDEAL	$6,642.52

Staff recommends moving forward with authorizing the purchase of 2026 Ford Explorer from Gorno Ford and Equipping from Mid-Michigan Emergency Equipment.

AUTHORIZATION

- City Charter Sec. 8-8: Competitive prices for all purchases and public improvements shall be obtained, except when no advantage to the City would result from such procedure.
- City Ordinance Sec. 2-84: (Related Excerpt): For purchases of more than $5,000.00 and less than $20,000.00, she (City Manager) shall be required to receive approval of the council. The City Manager shall advise the council as to whether or not any contract offered is desirable, or which of several contracts offered is most desirable, for the city. City Ordinance Sec. 2-84, (9): The City Council shall let all contracts for more than 5,000.
- City Purchasing Policy: (CC Adopted 9.18.23): Purchases over $20,000, “In accordance with Mason City Code Section 2-84, all purchases of materials, supplies, or equipment in excess of $20,000 shall be required to receive sealed bids or purchase through Cooperative Procurement and shall present such bids to the City Council for approval or rejection.”

VISION AND COMMUNITY PLANS

- Master Plan 2023: C5- Street Character, S1 – Asset Management for Public Services

RESOURCE PLANS

- Capital Improvement Plan 2025-2031 (CC Adopted 3.17.25): Project 2021-MVP3.
- FY 2025/26 Budget (CC Adopted 5.19.25): $67,000 was budgeted for this project from the Motor Vehicle Pool Fund. This purchase will be a significant saving due to the change in vehicle type.

Budget Amendment Required: No

ATTACHMENTS

- None

Agenda Report: February 2, 2026 City Council Meeting

AGENDA ITEM

Resolution 2026-05: Approval of 2026 Poverty Exemption Standards for Asset and Income Levels for the Board of Review

RECOMMENDED ACTION

Approve Resolution 2026-05

PROJECT DETAILS

Under state law, MCL 211.7u, the governing body of the local assessing unit shall determine the policies and guidelines that the local assessing unit will use when deciding whether to grant poverty property tax exemptions. The General Property Tax Act allows a property tax exemption for the principal residence of persons who, in the judgment of the Board of Review, by reason of poverty, are unable to contribute to the public charges.

Historically, the City of Mason has adopted the federal poverty income guidelines as the standard for granting poverty exemptions. In recent years, members of the Board of Review observed that the federal guidelines alone did not adequately reflect the financial circumstances of applicants, particularly seniors and fixed-income households facing rising housing and utility costs.

In 2025, City Council approved updated poverty exemption standards that expanded eligibility to allow a 100% property tax exemption for households earning up to 125% of the federal poverty guidelines, and a 50% exemption for households earning up to 150% of the federal guidelines. This adjustment was intended to better align local policy with community need while maintaining fiscal responsibility.

Review of historical data shows that the number of poverty exemptions granted annually has remained relatively consistent over time, averaging approximately three exemptions per year over the past decade. Importantly, the revenue loss to the City did not increase following the 2025 guideline update. While 2024 reflected a higher revenue loss under the prior standards, the revenue impact in 2025 declined, demonstrating that the revised guidelines did not result in an expansion of program costs.

Based on the authority granted under MCL 211.7u, the proposed resolution for 2026 continues the same income and asset standards approved by City Council in 2025, using the federal poverty guidelines as a base and applying the approved percentage thresholds. Staff is requesting approval of this resolution to maintain consistency, transparency, and fairness in the administration of poverty exemptions.

AUTHORIZATION

- PA 390 of 1994 requires that the poverty exemption guidelines include the asset levels of the entire household. The determination of the amount of asset levels is left at the discretion of the local governing body. Local governing bodies are required by the Act to set income and asset levels for their poverty exemption guidelines. The Act further requires that the income levels NOT be set lower than the federal poverty income standards.

VISION/ COMMUNITY PLANS

- Master Plan 2023: C3: Improve Housing Opportunities- Affordability (p. 40): “Mason aims to minimize the number of cost burdened household by expanding the amount of housing provided at affordable monthly costs for residents.”
    - Note data from Michigan Housing Data Portal presented in budget presentation: 48.5% of Seniors in Mason are considered cost burdened (30% or more of household income is spent on gross housing).

RESOURCE PLANS

- Following the 2025 approved guidelines, it has cost the City approximately $5,800 in lost revenue.
  Budget Amendment Required: No

ATTACHMENTS

- Resolution 2026-05

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2026-05

APPROVAL OF 2026 POVERTY EXEMPTION GUIDELINES FOR ASSET AND INCOME LEVELS FOR THE BOARD OF REVIEW

February 2, 2026

WHEREAS, the City of Mason is aware that under State of Michigan law, MCL 211.7u the governing body of the local assessing unit shall determine the policies and guidelines that the local assessing unit will use when deciding whether to grant poverty property tax exemptions ("Poverty Exemption"); and

WHEREAS, MCL 211.7u requires that the Poverty Exemption guidelines include the asset levels of the entire household. The determination of the amount of the asset levels is left to the discretion of the local governing body. The Act further requires that the income level NOT be set lower than federal income guidelines; and

WHEREAS, the City of Mason believes the federal poverty asset and income guidelines established by the United States Office of Management and Budget are an appropriate basis for the City of Mason; and

WHEREAS, MCL 211.7u requires that local assessing units make available to the public the policies and guidelines for the granting of a Poverty Exemption. The Board of Review shall follow the policies and guidelines established by the governing unit of the local assessing unit when granting or denying a Poverty Exemption. The same guidelines shall apply to each claimant in the assessing unit for the assessment year.

NOW, THEREFORE, BE IT RESOLVED, that the City of Mason adopts the federal poverty asset and income guidelines established annually by the United States Office of Management and Budget as the basis for granting a Poverty Exemption.

BE IT FURTHER RESOLVED, that to be eligible for a 100% Poverty Exemption in the City of Mason for 2026, gross income may not exceed 125% of the current federal guidelines as shown below.

INCOME GUIDELINES TO RECEIVE 100% EXEMPTION	
Family Size	**Gross Income Less than or Equal to the Amounts Below**
1 Person	$19,560
2 Persons	$26,435
3 Persons	$33,310
4 Persons	$40,185
5 Persons	$47,060
6 Persons	$53,935
7 Persons	$60,810
8 Persons	$67,685
Add for each additional person above 8	$6,875

BE IT FURTHER RESOLVED, that to be eligible for a 50% Poverty Exemption in the City of Mason for 2026, gross income may not exceed 150% of the current federal guidelines as shown below.

INCOME GUIDELINES TO RECEIVE 50% EXEMPTION	
Family Size	**Gross Income Less than or Equal to the Amounts Below**
1 Person	$23,475
2 Persons	$31,725
3 Persons	$39,975
4 Persons	$48,225
5 Persons	$56,475
6 Persons	$64,725
7 Persons	$72,975
8 Persons	$81,225
Add for each additional person above 8	$8,250

BE IT FURTHER RESOLVED, that the City of Mason adopts the following maximum asset guidelines for a household to be eligible for a Poverty Exemption. The equity value of the homestead shall not be included in calculating the asset test (Per Tax Tribunal Ruling 08-13-97, Docket #236230).

ASSET GUIDELINES TO RECEIVE AN EXEMPTION	
Family Size	**Total Assets Less than or Equal to the Amounts Below**
1 Person	$22,000
2 Persons	$30,000
3 Persons	$35,000
4 Persons	$40,000
5 Persons	$45,000
6 Persons	$50,000
7 Persons	$55,000
8 Persons	$60,000
9 Persons or more	$69,000

BE IT FINALLY RESOLVED, that the City Staff is authorized to update the policy and guidelines under this resolution annually based on the approved federal poverty asset and income standards established by the United States Office of Management and Budget and that this resolution shall nullify any previously adopted resolution.

****

The foregoing Resolution was moved for adoption by Councilmember _____ and seconded by Councilmember _____ and declared adopted by the following vote:

Yes ( )
No ( )
Absent ( )

RESOLUTION DECLARED _____.

STATE OF MICHIGAN)
COUNTY OF INGHAM) ss
CITY OF MASON)

I, the undersigned, the duly qualified and acting Clerk of the City of Mason, County of Ingham, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Mason at a regularly scheduled meeting held on February 2, 2026, pursuant to the Michigan Open Meetings Act, the original of which is on file in my office as part of the Council minutes.

IN WITNESS WHEREOF, I have hereunto set my official signature, this _____ day of _____, 2026.

_____
Sarah J. Jarvis, City Clerk
City of Mason, County of Ingham, State of Michigan

Agenda Report: February 2, 2026 City Council Meeting

AGENDA ITEM

Receipt of Report on Ordinance 266 Formal Comment Period and Staff Recommendations as Required by Resolution 2026-01

RECOMMENDED ACTION

Receipt of Report on Ordinance 266 Formal Comment Period and Staff Recommendations as Required by Resolution 2026-01

PROJECT DETAILS

On January 5, 2026, City Council approved Resolution 2026-01, which established the opportunity to provide written comments regarding proposed Ordinance 266.

The resolution also established the following timeline:

- Instructions for accessing the online portal were advertised through the City website and City Facebook page. The deadline for receipt of such comments was 4:00 p.m. on January 20, 2026.
  - Completed Action: Staff established the online portal through Laserfiche and advertised the portal through the website on January 6, 2026 and Facebook on January 6 and 14, 2026.
- Written comments received shall be provided to City Councilmembers no later than January 23, 2026.
  - 114 public comments were received during this time and with attachments the total document was 1062 pages.
  - Complete Action: Staff provided a complete document of public comments on January 23, 2026, and they were added to the website here for public review.
- All comments received shall be made available to the public in the meeting packet for the February 2, 2026, City Council meeting.
  - Complete Action: Due to the size and numerous attachments, the comments are available at link on the website here, that was posted on January 23, 2026.
- Proposed amendments to Ordinance 266 by city staff and councilmembers should be submitted for inclusion on the agenda for the February 2, 2026, City Council meeting, in accordance with the City Council Rules of Order. In addition, written comments received during the comment period were to be evaluated, at a minimum, based upon the Decision-Making Process of Chapter 6 of the 2023 Master Plan of the City and the following:

  1. Does the comment suggest a change to Ordinance 266 that will improve the effectiveness of the ordinance in creating a quality development?
  2. Is the comment already addressed by State statute?
  3. Is the comment already addressed by Ordinance 266?
  4. Is the comment already addressed by the City Code?
  5. Is the comment in regard to a regulation within the control of the City?
  6. Does the comment suggest a change that will increase the legal jeopardy of the City?
  7. Is there data and/or reference material provided demonstrating that a comment applies to a concern with a data center generally and is not in response to a unique occurrence from a particular circumstance?

Staff have completed a thorough review of every comment. Of the 114 comments submitted, 104 were from unique submitters. Duplicates were often allowed for additional attachments or corrected information. Of those 104 unique submitters, 51 were City of Mason addresses, and 53 were not.

Staff reviewed each public comment and carefully extracted the questions and recommendations presented. The following summary page lists each individual who submitted a public comment, a brief summary of the question or recommendation, and the corresponding response as outlined in the expanded FAQ prepared by staff. On January 26, 2026, the FAQ was provided to City Council and included staff-recommended ordinance amendments. Since that time, the FAQ has been updated based on feedback from subject-matter experts and confirmation that all questions were answered.

Staff were subsequently notified by Mayor Whipple and Councilmember Vercher of their intent to submit ordinance amendments based on public comments, the staff-recommended FAQ amendments, and draft language from each was provided. These amendments were consolidated into a single submission and included all referenced proposed amendments identified in the FAQ responses.

Staff have reviewed the combined amendments proposed by Mayor Whipple and Councilmember Vercher and find that they reflect staff's evaluation and recommendations to improve the ordinance while maintaining legal defensibility. Accordingly, staff recommends adoption of the ordinance as amended.

AUTHORIZATION

Resolution 2026-01 (attached): Directed staff to present comments and recommendations by the February 2, 2026 City Council meeting.

VISION AND COMMUNITY PLANS

- Master Plan 2023: SAFE: S3, S4, S5 - Prioritizes tax base diversification while thoughtfully managing impacts such as traffic and preserving our small-town character. Under the "Investment" goal, the plan states that we must "consider long-term efficiency, resiliency, and the next generation's needs," specifically asking whether a project "diversifies Mason's tax base" or merely expands an already dominant sector. Advanced technology supports this objective by expanding Mason's industrial and high-tech footprint, reducing long-term reliance on residential and auto-related property taxes, and enhancing our economic resiliency — all while limiting long-term traffic impacts in our rural community.

RESOURCE PLANS

A development would have a considerable impact on revenue for the City and would assist in diversification of our tax base into other industries.

Budget Amendment Required: No

ATTACHMENTS

- Resolution 2026-01
- Public Comment Summary and Staff Responses to Questions
- FAQ 1.30.26 version
- Public Comments found here

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2026-01

RESOLUTION TO ESTABLISH A FORMAL PUBLIC COMMENT PERIOD ON PROPOSED ORDINANCE 266

January 5, 2026

WHEREAS, City Council approved a motion at its regular meeting on December 15, 2025 to, in part, establish a citizen advisory committee to provide input regarding proposed Ordinance 266; and

WHEREAS, it is desired to receive constructive input from the public to improve proposed Ordinance 266 and to do so in an efficient, orderly, inclusive and documented manner, however, a citizen committee is not likely to succeed in providing such input within the time desired for the following reasons:

1) Significant time and resources will be needed for formation, organization, and operation of such a committee.

2) There has been no specific direction given by the City Council regarding the formation of a citizen committee.

3) A citizen committee by its very nature of being comprised of a limited number of people may exclude the input of other interested people.

NOW, THEREFORE BE IT RESOLVED, that the approval of the establishment of a citizen advisory committee to provide input regarding proposed Ordinance 266 is hereby rescinded and, in its place, the City Council shall receive written public comments regarding proposed Ordinance 266 and shall receive such comments only through the online portal to be provided by the City; and

BE IT FURTHER RESOLVED, the opportunity to provide written comments regarding proposed Ordinance 266 and instructions for accessing the online portal will be advertised through the City website and City Facebook page no later than noon on January 6, 2026, with the deadline for receipt of such comments being 4:00 p.m., January 20, 2026, and all comments shall include the name, address, and group affiliation, if applicable, of the submitter per the Rules of Order for the City Council for public comment; and

BE IT FURTHER RESOLVED, written comments received shall be provided to City Councilmembers no later than January 23, 2026 with the expectation that proposed amendments to Ordinance 266 by city staff and councilmembers should be submitted for inclusion on the agenda for the February 2, 2026 City Council meeting in accordance with the City Council Rules of Order; and

BE IT FURTHER RESOLVED, written comments received during the comment period shall be evaluated, at minimum, based upon the Decision-Making Process of Chapter 6 of the 2023 Master Plan of the City and the following:

1. Does the comment suggest a change to Ordinance 266 that will improve the effectiveness of the ordinance in creating a quality development?
2. Is the comment already addressed by State statute?
3. Is the comment already addressed by Ordinance 266?
4. Is the comment already addressed by the City Code?
5. Is the comment in regard to a regulation within the control of the City?

6. Does the comment suggest a change that will increase the legal jeopardy of the City?
7. Is there data and/or reference material provided demonstrating that a comment applies to a concern with a data center generally and is not in response to a unique occurrence from a particular circumstance?; and

BE IT FURTHER RESOLVED, that all comments received shall be made available to the public in the meeting packet for the February 2, 2026 City Council meeting; and

BE IT FINALLY RESOLVED, that the written public comment process prescribed under this resolution shall not be interpreted as restricting the right of anyone to address Ordinance 266 through public comment as allowed by the Rules of Order for the City Council.

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The foregoing Resolution was moved for adoption by Councilmember Preadmore and seconded by Councilmember Ferris and declared adopted by the following vote:

Yes (4) Droscha, Ferris, Preadmore, Whipple
No (2) Husby, Schaffer
Absent (0)
Vacant (1)

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF INGHAM) ss
CITY OF MASON)

I, the undersigned, the duly qualified and acting Clerk of the City of Mason, County of Ingham, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Mason at a regularly scheduled meeting held on Monday, January 5, 2026, pursuant to the Michigan Open Meetings Act, the original of which is on file in my office as part of the Council minutes.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 8th day of January, 2026.

Sarah J. Jarvis, City Clerk
City of Mason, County of Ingham, State of Michigan

Count	Date	Last Name	First Name	Group Affiliation	Address	City	State	City of Mason Resident	Staff Summary of Comments *(Please refer to actual comments for specific recommendations, attachments in italics)*	Staff Response
1	1/6/2026	Sorrow	Darci		926 W Dansville Rd	Mason	MI	No	1. Noise decrease to 40 2. Height decrease to 50 3. Setback increase to 1000-1500 4. Distance from daycare 15 miles 5. Fines Increase	1. **FAQ E.10.a**(Noise) 2. **FAQ E.6** (Building Height) 3. **FAQ E.8** (Setback) 4. **FAQ D.2** (Exclusionary Zoning)and **FAQ C.3** (Health) 5. **FAQ E.12.a** (Violations)
2	1/7/2026	Vogel	Rita	The "I Told You So" Caucus	226 E Cherry St # 1/2	Mason	MI	Yes	1. Zoning Timeline 2. Require Independent Water Study 3. Require Public Safety Study 4. Require Guaranteed Fiscal Impact 5. Binding Development Agmt	1. **FAQ D.8** (Process) 2. **FAQ E.9.b** (Utility Agmt) 3. **FAQ E.12.b** (Building Code) 4. **FAQ E.9.b** (Utility Agmt) & **FAQ E.11** (Development Agmt) 5. **FAQ E.11** (Development Agmt)
3	1/7/2026	Felland	Cheryl		336 Okemos Road	Mason	MI	Yes	1. Exclude data centers 2. Distrust in process	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ D.7** (Process) and **FAQ D.5** (NDAs)
4	1/7/2026	Jahiri	Arlinda		1732 Ashton Ln	Mason	MI	No	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
5	1/7/2026	Rauscher	Anne		1633 Hagadorn Rd	Mason	MI	No	1. Setback increased to 1000 2. Noise decreased to 45 3. Bonded environmental impact study 4. Require on site power generation 30% 5. Reduce building height to 35	1. **FAQ E.8** (Setback) 2. **FAQ E.10.a** (Noise) 3. **FAQ E.4** (Development Standards) 4. **FAQ E.9** (Utilities- On-Site Generation) 5. **FAQ E.4** (Building Height)
6	1/7/2026	Seely	Tom		304 E Elm St	Mason	MI	Yes	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
7	1/7/2026	Bodwin	Rachel	Rachel's Little Rascals Daycare	3620 Fernwood Ln	Mason	MI	No	1. Add distance from daycare of 7-10 miles	1. **FAQ Generally, FAQ C.3** (Health), and **FAQ D.2** (Exclusionary Zoning)
8	1/7/2026	Rexhepi	Muhamed		2974 Tomlinson Rd.	Mason	MI	No	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
9	1/7/2026	Smith	Sarah	Team Smith Family Estate	1355 W Dansville Rd	Mason	MI	No	1. Exclude data centers 2. Distrust in Process 3. Health concerns	1. **FAQ D.2** (Exclusionary Zoning) 2. **FAQ D.7** (Process) and **FAQ D.5** (NDAs) 3. **FAQ C.3** (Health)
10	1/7/2026	Walley	Trisha		402 North Ct	Mason	MI	Yes	1. Limit water usage 2. Energy bill promise 3. Limit construction time to 8-4 M-F 4. Requirement for clean up water and soil 5. Add responsibility for wells that dry up 6. Noise reduction to 45 7. Distance of 2 miles from homes 8. Building height to 50 9. Environmental Testing	1. **FAQ E.9.b** (Utility Agmt) 2. **FAQ C.2** (Energy) 3. **FAQ E.8** (Construction) 4. **FAQ E.10** (Environment) 5. **FAQ C.4.c** (Water) 6. **FAQ E.10.a** (Noise) 7. **FAQ D.2** (Exclusionary Zoning) 8. **FAQ E.6** (Building Height) 9. **FAQ E.10** (Environmental)
11	1/7/2026	Jackson	Tory	American	946 S Cedar St	Mason	MI	Yes	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
12	1/7/2026	Reynolds	Janie & Meck		11915 Wood Hollow	Houston	TX	No	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
13	1/7/2026	Rexhepi	Qendrim		2954 Tomlinson Rd	Mason	MI	No	1. Exclude data centers 2. Health concerns	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ C.3** (Health)
14	1/7/2026	Bourcier	Mike		3576 W Howell Rd	Mason	MI	No	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)

15	1/7/2026	Rasmussen	Seth		1535 S. College Rd	Mason	MI	No	*Rasmussen Proposed Amendments (p 17)* 1. Increase setback 1000 residential, 500 street, 300 boundary 2. Definition detail enhancement 3. Require SUP 4. Infrastructure neutrality (electric, water, sewer, road) 5. Generator restrictions timing, storage, emissions 6. Noise reduced to 55 7. Water restrictions on use and process 8. Building form restrictions on facade and structure 9. Decommissioning and financial assurances	1. **FAQ E.2 and E.3** (Uses by Right) 2. **FAQ E.8** (Setbacks) 3. **FAQ E.2** (Uses by Right) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ C.4** (Water) 8. **FAQ E.13.c** (Building Construction) 9. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
16	1/7/2026	Riegert	Katrina		4805 W Barnes Rd	Mason	MI	No	1. Air quality requirements 2. Limitations on Generators 3. Wastewater quality and limit discharge 4. Energy assurances on bills 5. Limit from daycares and schools	1. **FAQ C.3** (Health) and **FAQ E.4** (Development Standards) 2. **FAQ E.9.a** (Standby Generators) 3. **FAQ C.5** (Wastewater) 4. **FAQ C.2** (Energy) 5. **FAQ D.2** (Exclusionary Zoning) and **FAQ C.3** (Health)
17	1/7/2026	Ries	Erin		3538 W Columbia Rd	Mason	MI	No	1. Environmental impacts concerns 2. Property value concerns	1. **FAQ C.3** (Health) and **FAQ E.4** (Development Standards) 2. **FAQ D.4** (Property Value)
18	1/7/2026	Pahl	James		445 W Maple St	Mason	MI	Yes	1. Negative impacts 2. Positive impacts 3. Distrust in process	1. **FAQ Generally** discusses concerns 2. **FAQ D.6** (Benefits) 3. **FAQ D.8** (Process)
19	1/7/2026	Pahl	Carol		445 W. Maple St	Mason	MI	Yes	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
20	1/7/2026	Rosier	Julie		824 Ravenwood Ct	Mason	MI	Yes	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
21	1/7/2026	Mussell	Cindy	human race	113 E Oak St	Mason	MI	Yes	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
22	1/7/2026	Wilkinson	Alan		824 Ravenwood Ct	Mason	MI	Yes	1.Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
23	1/7/2026	Rosier	Julie		824 Ravenwood Ct	Mason	MI	Yes, second submission (# 20)	1. Traffic congestion 2. Limits on water 3. Noise concerns 4. Health concerns	1. **FAQ E.8** (Construction) 2. **FAQ E.9.a** (Utilities) 3. **FAQ E.10.a** (Noise) 4. **FAQ C.3** (Health)
24	1/8/2026	Schilling	Debra		6760 E 136th St	Sand Lake	MI	No	1. Exclude data centers 2. Health concerns	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ C.3** (Health)
25	1/8/2026	Creamer	Beth		1817 Hagadorn Rd	Mason	MI	No	1. Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
26	1/8/2026	Kelley	Patrick		850 Holt St	Mason	MI	Yes	1. Definition clarification 2. Require SUP 3. Increase setbacks 4. Utility bill assurance 5. Generator increased restrictions and clean fuel 6.Noise and vibration restrictions 7. Decommissioning requirements	1. **FAQ E.2** (Uses by Right) 2. **FAQ E.2** and **FAQ E.3** (Uses by Right) 3. **FAQ E.8** (Setbacks) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)

27	1/8/2026	Kelley	Colleen		850 Holt St	Mason	MI	Yes	1. Definition clarification 2. Require SUP 3. Increase setbacks 4. Utility bill assurance 5. Generator increased restrictions and clean fuel 6. Noise and vibration restrictions 7. Decommissioning requirements	1. **FAQ E.2** (Uses by Right) 2. **FAQ E.2** and **FAQ E.3** (Uses by Right) 3. **FAQ E.8** (Setbacks) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
28	1/8/2026	Allen	Robin		1265 Goodman St	Mason	MI	Yes	1. Setback increased to 1000-1500 2. Noise decreased to 45 operations, 65 generator 3. Reduce building height to 45	1. **FAQ E.8** (Setback) and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ E.10.a** (Noise) 3. **FAQ E.6** (Building Height)
29	1/9/2026	Pawlowski	Janet	Concern Citizens of Mason, Michigan	1198 S. Aurelius Road	Mason	MI	No	1. Exclude data centers	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning)
30	1/9/2026	May	Sheryl		121 Kiwanis Dr	Mason	MI	Yes	1. Evaluate negative impacts 2. Health concerns 3. Distrust in process	1. **FAQ Generally** discusses concerns 2. **FAQ C.3** (Health) 3. **FAQ D.7** (Process) and **D.5** (NDAs)
31	1/9/2026	Bartlett	Deanna		856 Holt Street	Mason	MI	Yes	1. Definition clarification 2. Require SUP 3. Increase setbacks 4. Utility bill assurance 5. Generator increased restrictions and clean fuel 6.Noise and vibration restrictions 7. Decommissioning requirements	1. **FAQ E.2** (Uses by Right) 2. **FAQ E.2** and **FAQ E.3** (Uses by Right) 3. **FAQ E.8** (Setbacks) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
32	1/9/2026	Hoffmeyer	Alex		510 W Ash St	Mason	MI	Yes	1. Exclude data centers 2. Noise concerns reduced to 55 3. Increase setback to 1500 ft or more 4. Water restrictions- bill assurance 5. Energy restrictions- bill assurance 6. Reduce District Size to below 300 acres	1. **FAQ D.2** (Exclusionary Zoning) 2. **FAQ E.10.a** (Noise) 3. **FAQ E.8** (Setback) 4. **FAQ C.4.c** (Water) 5. **FAQ C.2** (Energy) 6. **FAQ E.5** (Eligibility)
33	1/9/2026	Haughey	Whitney		520 Riverwalk Dr	Mason	MI	Yes	*Haughey Proposed Amendments (p. 45)* 1. Hazardous material additional restrictions 2. Standby generators limits on time based on season 3. Water & sewer agmt additional requirements 4. Noise reductions during summer and daytime 5. Outdoor lighting restrictions based on times 6. Development agreement additional language to add community can make changes as it sees fit	1. **FAQ E.13.b** (Hazardous Materials) 2. **FAQ E.9.a** (Generators) 3. **FAQ E.9.b** (Water and Sewer Utilities) 4. **FAQ E.10.a** (Noise) 5. **FAQ E.10.b** (Lighting) 6. **FAQ E.11** (Development Agmt)

34	1/9/2026	Wren	Meggie		560 Vanderveen Drive	Mason	MI	Yes	1. Utility bill promises 2. Public process for approvals 3. Energy reliability 4. Jobs promise 5. Water requirement for closed loop 6. Community Benefit Agmt 7. Energy requirements 8. Violations	1. **FAQ E.9.b** (Water and Sewer Utilities) 2. **FAQ D7** (Process) 3. **FAQ E.4** (Development Standards) 4. **FAQ D.5** (Benefits) 5. **FAQ E.4** (Development Standards) 6. **FAQ E.12.c** (Community Benefit Agmt) 7. **FAQ E.2** (Energy) 8. **FAQ E.12.a** (Violations)
35	1/9/2026	Williams	Stephanie		1761 Tomlinson Rd	Mason	MI	No	1. Noise concerns general 2. Increase setback to 1500 ft 3. Soil testing 4. Remediation requirements 5. Vibration, general 6. Lighting, general	1. **FAQ E.10.a** (Noise) 2. **FAQ E.8** (Setbacks) 3. **FAQ C.3** (Health) 4. **FAQ C.3** (Health) 5. **FAQ E.10.c** (Vibrations) 6. **FAQ E.10.b** (Lighting)
36	1/10/2026	Janson	Bill	Not currently a lunatic but willing to learn	555 Rolfe Rd	Mason	MI	No	No actionable recommendations	N/A
37	1/10/2026	Hurlburt	Rosemary		402 Ravenwood Ct	Mason	MI	Yes	1. Noise, general 2. Health, general 3. Property value protection 4. Setback of 5 Miles from Farms	1. **FAQ E.10.a** (Noise) 2. **FAQ C.3** (Health) 3. **FAQ D.4** (Property Values) 4. **FAQ D.2** (Exclusionary Zoning) and **FAQ C.3** (Health)
38	1/10/2026	Love	Gail		565 Riverwalk Dr	Mason	MI	Yes	1. Exclude data centers 2. Provided article with information about more data centers and tax incentives	1. **FAQ D.2** (Exclusionary Zoning) 2. **FAQ Generally** and **FAQ D.6** (Benefits)
39	1/10/2026	Norling	Jess		2647 Lamb Rd	Mason	MI	No	1. Energy demand concerns 2. Generator pollution concerns	1. **FAQ C.2** (Energy) 2. **FAQ E.9.a** (Generators)
40	1/11/2026	Kelly	Mark		2822 Tomlinson Rd	Mason	MI	No	1. Building height restriction to includes accessories 2. Residential district add agriculture 3. Increase setback to 1000	1. **FAQ E.6** (Height) 2. **FAQ E.7** (Residential Zoning District) 3. **FAQ E.8** (Setback)
41	1/11/2026	Cecil	Andrea		809 E. Maple St.	Mason	MI	Yes	*Cecil Proposed Amendments (p 56)* 1. Increase setback 1000 residential, 500 street, 300 boundary 2. Definition detail enhancement 2. Require SUP 3. Infrastructure neutrality (electric, water, sewer, road) 5. Generator restrictions timing, storage, emissions 6. Noise reduced to 55 7. Water restrictions on use and process 8. Building form restrictions on facade and structure 9. Decommissioning and financial assurances	1. **FAQ E.8** (Setbacks) 2. **FAQ E.2** and **FAQ E.3** (Uses by Right) 3. **FAQ E.2** (Uses by Right) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ C.4** (Water) 8. **FAQ E.13.c** (Building Construction) 9. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)

42	1/12/2026	Anderson	Alyssa		203 Price St	Mason	MI	Yes	*Anderson Proposed Amendments (p.67)* *Global data center expansion and human health (p.70)* *Sleep, noise, and health (p.72)* *What happens when data centers come to town (p. 78)* 1. Increase setback 1000 residential, 500 street, 300 boundary 2. Definition detail enhancement 3. Require SUP 4. Infrastructure neutrality (electric, water, sewer, road) 5. Generator restrictions timing, storage, emissions 6. Noise reduced to 55 7. Water restrictions on use and process 8. Building form restrictions on facade and structure 9. Decommissioning and financial assurances	1. **FAQ E.2 and E.3** (Uses by Right) 2. **FAQ E.8** (Setbacks) 3. **FAQ E.2** (Uses by Right) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ C.4** (Water) 8. **FAQ E.13.c** (Building Construction) 9. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
43	1/12/2026	Kerr	Robert		1601 S College Rd	Mason	MI	No	1. Adding a water assurance area with a 10 mile radius requiring the identification of all wells, random testing that could trigger remediation paid for by the developer or city, reduce the size to 5 miles after 5 years, track chemicals used, require soil borings on site.	1. **FAQ C** (Environmental Impacts) and **FAQ E.9.b** (Water and Sewer Utilities)
44	1/13/2026	Meredith	Gail		326 Ann	Mason	MI	Yes	1. Water, general concerns 2. Health, general concerns 3. Noise, general concerns 4. Setback, general concerns	1.**FAQ C.4** (Water) and **FAQ E.9.b** (Water and Sewer Utilities) 2. **FAQ C.3** (Health) 3. **FAQ E.10.a** (Noise) 4. **FAQ E.8** (Setbacks)
45	1/13/2026	Revel	Aldric		228 Primrose Ln	Mason	MI	No	*Revel Proposed Amendments (p. 101) ULI Local Guidelines for Data Center Development (p. 108)* 1. Increase setback to 700 residential, 300 substation 2. Lower noise to 35 dbA 3. Require recycled wastewater 4. Generator restrictions increased 5. Potential power plant concerns 6. Potential cluster concerns	1. **FAQ E.8** (Setbacks) 2. **FAQ E.10.a** (Noise) 3. **FAQ E.4** (Development Standards) 4. **FAQ E.9.a** (Generators) 5. **FAQ E.4** (Development Standards) 6. **FAQ E.4** (Development Standards), **FAQ C.4** (Water), and **FAQ E.9.b** (Utility Agmt)
46	1/13/2026	Rizzardi	Jim		126 Stratford Dr.	Mason	MI	Yes	1. Lower noise to 55 dbA	1. **FAQ E.10.a** (Noise)
47	1/13/2026	Miskowski	Jo Ellen		433 Raging River Rd	Mason	MI	Yes	1. Location inquiry	1. **FAQ E.10.a** (Where planned)

48	1/13/2026	Day	Alissa		3481 Josephine Ln	Mason	MI	No	***Day/ Short Proposed Amendments (p. 137) provided multiple times*** 1. Definition detail enhancement 2. Require SUP for all uses in the district 3. Additional criteria for eligibility, studies and reports 4. Location restriction to day care, park, school, church, etc., to 1000 feet 5. Reduce parcel coverage to 50% 6. Reduce building height to 50 feet 7. Increase setback to 1000 feet 8. Generator restrictions timing, storage, emissions 9. Private well protection area of 2000 feet 10. Cooling system requirements 11. Noise reduction to 45 dBA and annual noise study 12. Emergency Management Plan, liability insurance and fire fighting equipment purchase 13. Development agreement requirements to buy any nearby property owners for any reduction in fair market value due to impacts of use 14. Create independent violation sections from other City ordinances 15. Require decommission after 12 months. If not notified within 48 hours of cease in operations, required to return site to previous condition within 6 months, with decommission bonding forever	1. **FAQ E.2** (Uses by Right) 2. **FAQ E.2** and **FAQ E.3** (Uses by Right) 3. **FAQ E.4** (Development Standards) 4. **FAQ Generally, FAQ C.3** (Health)**, and FAQ D.2** (Exclusionary Zoning) 5. **FAQ E.13.a** (Parcel Coverage) 6. **FAQ E.6** (Height) 7. **FAQ E.8** (Setbacks) 8. **FAQ E.9.a** (Generators) 9. **FAQ C.4** (Water) 10. **FAQ E.4** (Development Standards) 11. **FAQ E.10.a** (Noise) 12. **FAQ E.13.b** (Hazardous Materials) 13. **FAQ D.4** (Property Values) 14. **FAQ E.12.a** (Violations) 15. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
49	1/13/2026	Force	Brittany		231 Corbin St	Mason	MI	Yes	*Day/ Short Proposed Amendments (p. 179)* Same as summary of comment 48	Same as response to comment 48
50	1/14/2026	Metcalf	Candace		3470 Josephine Ln	Mason	MI	No	*Day/ Short Proposed Amendments (p. 221)* Same as summary of comment 48	Same as response to comment 48
51	1/14/2026	Andrews	Greg		125 N College Rd	Mason	MI	No	1. Concerns about process 2. Increase setbacks to 500 for parking, 1000 for building 3. Decrease noise to 55, under 40 at night, 15 at roadway and residential property lines	1. **FAQ D.7** (Process) 2. **FAQ E.8** (Setbacks) 3. **FAQ E.10.a** (Noise)
52	1/14/2026	Revel	Aldric		228 Primrose Ln	Mason	MI	No, second submission (#45)	*ULI Local Guidelines for Data Center Development (p. 264)* 1. Reduce height to 30 feet	1. **FAQ E.6** (Height)
53	1/14/2026	Paltelky	Attila and Sharon		726 Hall Blvd	Mason	MI	Yes	1. Setback increased to 1000 2. Bury entire facility 3. Closed loop requirement for system 4. Bury electrical 5. Berm all the way around like forest 6. Compensate home owners within 5 miles for true value of home plus relocation expenses.	1. **FAQ E.8** (Setbacks) 2. **8. FAQ E.13.c** (Building Construction) 3. **FAQ E.4** (Development Standards) 4. **FAQ C.2** (Energy) 5. **FAQ E.8** (Setbacks, buffering..) 6. **FAQ D.4** (Property Values)

54	1/15/2026	Shattuck	Denise		355 Willow St.	Mason	MI	Yes	1. Exclude data centers 2. Health concerns	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ C.3** (Health)
55	1/15/2026	Shattuck	Denise		355 Willow St	Mason	MI	Yes, second submission (# 54)	1. Exclude data centers 2. Concerns about tax incentives	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ B.3** (City's role)
56	1/15/2026	D'Angelo	Carol		611 Gale Road	Eaton Rapids	MI	No	1. Exclude data centers 2. Water concerns 3. Health concerns	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ C.4** (Water) 3. **FAQ C.3** (Health)
57	1/15/2026	D'Angelo	James		611 Gale Rd.	Eaton Rapids	MI	No	1. Exclude data centers 2. Water concerns 3. Electrical concerns	1. **FAQ Generally and FAQ D.2** (Exclusionary Zoning) 2. **FAQ C.4** (Water) 3. **FAQ C.2** (Energy)
58	1/15/2026	Emerick	Tom		106 E South St	Mason	MI	Yes	1. Past public engagement concerns and process	1. **FAQ D.7** (Process)
59	1/15/2026	Ross	Aimee		329 E Oak Street	Mason	MI	Yes	*Day/ Short Proposed Amendments (p. 297)* Same as summary of comment 48	Same as response to comment 48
60	1/15/2026	Ross	Todd		329 E Oak St	Mason	MI	Yes	*Day/ Short Proposed Amendments (p. 338)* Same as summary of comment 48	Same as response to comment 48
61	1/16/2026	Seely	Tom	Home	304 East Elm Street	Mason	MI	Yes, second submission (# 6)	1. Utility bill promises	1. **FAQ E.9.b** (Water and Sewer Utilities) and **FAQ E.2** (Energy)
62	1/16/2026	Mulvany	Cary		122 East South Street	Mason	MI	Yes	*Day/ Short Proposed Amendments (p. 380)* Same as summary of comment 48	Same as response to comment 48
63	1/16/2026	Mulvany	Kathy		122 East South St.	Mason	MI	Yes	*Day/ Short Proposed Amendments (p. 423)* Same as summary of comment 48	Same as response to comment 48
64	1/16/2026	Williams	Edward	Urban Wild Honey	382 Okemos St	Mason	MI	Yes	*William proposed amendments related to pollinator pathway network (p. 465)* 1. Require SUP 2. Location restriction to day care, park, school, church, etc., to 1000 feet 3. Increase setback 600 dwelling, 300 from boundary 4. Reduce parcel size to 15 acres 5. Planting and buffer additional requirements 6. Lighting restrictions based on seasons 7. Noise reduction to 40 dBA day and 35 dBA night 8. Limit water withdrawal to 3,000 gallons/day 9. Require 60%-75% renewable energy 10. Generator restrictions timing, emissions to Tier 4 11. Require donation and funding for project that benefit their non-profit.	1. **FAQ E.2** and **FAQ E.3** (Uses by Right) 2. **FAQ Generally, FAQ C.3** (Health)**, and FAQ D.2** (Exclusionary Zoning) 3. **FAQ E.8** (Setbacks) 4. **FAQ E.5** (Eligibility) 5. **FAQ E.8** (Setbacks, buffering..) 6. **FAQ E.10.b** (Lighting) 7. **FAQ E.10.a** (Noise) 8. **FAQ E.9.b** (Utility Agmt) and **FAQ C.4** (Water) 9. **FAQ E.9** (Utilities) 10. **FAQ E.9.a** (Generators) 11. **FAQ E.12.c** (Community Benefit Agmts)
65	1/16/2026	Cantu	Randy	Direct neighbor of potential M3 site	191 N College Rd	Mason	MI	No	1. Limit water to 500,000 a day, require them to build plant, no private wells, no direct discharge 2. Increase setback to 250 with berms 3. Require environmental impact 4. Construction restrictions related to holidays and times of day, dust control	1. **FAQ E.9.b** (Water and Sewer Utilities) 2. **FAQ E.8** (Setbacks) 3. **FAQ E.4** (Development Standards) 4. **FAQ E.8** (Construction)

66	1/17/2026	Stewart	Mark		663 Rolfe Rd	Mason	MI	No	*Numerous files related to impact study's, references to other communities, and model structures. (p. 474)* 1. Questions regarding how ordinance was developed and process for rezoning 2. AI-generated review making it hard to determine specific recommendations vs. things to take into account generally.	1. **FAQ D1** (Ordinance development) 2. **FAQ Generally**
67	1/17/2026	Stewart	Mark		663 Rolfe Rd	Mason	MI	No, second submission (# 66)	*Numerous articles. (p. 536)* 1. No specific recommendations general concerns on process.	1. **FAQ Generally**
68	1/17/2026	Dean	Kathy		401 Peachtree Place	Mason	MI	Yes	*Dean Proposed Amendments (p. 566)* *1. Water and sewer connection requirements, charge no less than residential* *2. Decommission requirements* *3. Sustainability and energy standards added*	1. **FAQ E.9.b** (Water and Sewer Utilities) 2. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt) 3. **FAQ Generally, FAQ B.2** (State Involvement), **FAQ C.2** (Energy), **FAQ C.4** (Water), **FAQ E.4** (Development Standards), **FAQ E.9** (Utilities)
69	1/17/2026	Nash	Patricia		5861 Horstmeyer Road	Lansing	MI	No	*Day/ Short Proposed Amendments (p. 579)* Same as summary of comment 48 Additional Items 1. Distrust in process	Same as response to comment 48 1. **FAQ D.7** (Process), **FAQ D.5** (NDAs), **FAQ D1** (Ordinance development)
70	1/17/2026	DeLind	Doug	Resident of Mason	3257 W. Howell Rd.	Mason	MI	No	1. Mandatory donation and job hiring requirements 2. Noise to 20 dBA 3. Well protection program with payments 4. Water paid at same rate as others 5. Allow cement batch plant as use 6. Energy bill promise 7. Building code concerns	1. **FAQ D.4** (Community Benefit Agmts) 2. **FAQ E.10.a** (Noise) 3. **FAQ C.4** (Water) 4. **FAQ E.9.b** (Utility Agmt) 5. **FAQ E.2 and FAQ E.3** (Uses by Right) 6. **FAQ C.2** (Energy) 7. **FAQ E.12.b** (Public Safety and Fire Risk)
71	1/17/2026	Colson	Megan		707 Garfield Ave	Lansing	MI	No	1. Exclude data centers 2. Energy concerns 3. Health concerns	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ C.2** (Energy) 3. **FAQ C.3** (Health)
72	1/17/2026	DeLind	Doug		3257 W. Howell Rd.	Mason	MI	No, second submission (# 70)	No actionable recommendations	N/A
73	1/18/2026	Hart	Jeffrey		826 Brookdale St.	Mason	MI	Yes	1. Water concerns 2. Wastewater quality and limit discharge	1. **FAQ C.4** (Water) 2. **FAQ C.5** (Wastewater)
74	1/18/2026	Beyersdorf	Annette		930 W South St	Mason	MI	Yes	*The comment indicates that amendments were tracked and no summary of recommendations are provided. However, the materials do not have tracked changes showing proposed additions or deletions, making the intended changes unclear. For example, data centers appear to remain permitted by right, with no clear indication they were intended to be moved to a special land use permit where they also appear.*	**FAQ Generally**

75	1/18/2026	Fergason	Mark & Jennifer		335 E Oak St	Mason	MI	Yes	*Day/ Short Proposed Amendments (p. 639)* Same as summary of comment 48	Same as response to comment 48
76	1/18/2026	Barks	Mark		411 Okemos Rd	Mason	MI	Yes	1. Water concerns 2. Energy concerns 3. Benefits	1. **FAQ C.4** (Water) 2. **FAQ C.2** (Energy) 3. **FAQ D.6** (Benefits)
77	1/18/2026	M Chapel	Dawn		863 Eagles Nest Ct.	Mason	MI	Yes	1. Water concerns 2. Energy concerns 3. Job concerns 4. Noise concerns	1. **FAQ C.4** (Water) 2. **FAQ C.2** (Energy) 3. **FAQ D.6** (Benefits) 4. **FAQ E.10.a** (Noise)
78	1/18/2026	Zivic	Susan		834 Tuttle Road	Mason	MI	No	1. Health concerns 2. Require 3-4 miles from animals, 5 miles from residential and farms.	1. **FAQ C.3** (Health) 2. **FAQ Generally and FAQ D.2** (Exclusionary Zoning)
79	1/18/2026	Rector	Linda	Concerned Resident!	1800 N. Meridian Road	Mason	MI	No	1. Increase setback 1000 residential, 500 street, 300 boundary 2. Definition detail enhancement 3. Require SUP 4. Infrastructure neutrality (electric, water, sewer, road) 5. Generator restrictions timing, storage, emissions 6. Noise reduced to 55 7. Vibration restrictions 8. Decommissioning and financial assurances	1. **FAQ E.8** (Setbacks) 2. **FAQ E.2** and **FAQ E.3** (Uses by Right) 3. **FAQ E.2** (Uses by Right) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ E.10.c** (Vibrations) 8. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
80	1/18/2026	Brandt	Susan		219 S.Walnut Ct	Mason	MI	Yes	1. Exclude data centers	1. **FAQ Generally, FAQ D.2** (Exclusionary Zoning and **FAQ C.3** (Health)
81	1/19/2026	Riolo	Maria		3249 Lienhart Rd	Dansville	MI	No	1. Exclude data centers 2. Water concerns	1. **FAQ Generally** and **FAQ D.2** (Exclusionary Zoning) 2. **FAQ C.4** (Water)
82	1/19/2026	Gandhi	Cheryl		3759 Meijer Court	Mason	MI	No	1. Noise reduced to 60 2. Wastewater concerns 3. Violation concerns 4. 2 mile water and septic protection radius	1. **FAQ E.10.a** (Noise) 2. **FAQ C.5** (Wastewater) 3. **FAQ E.12.a** (Violations) 4. **FAQ C.3** (Health)
83	1/19/2026	Short	Megan		3755 W Howell Rd	Mason	MI	No	*Day/ Short Proposed Amendments (p. 649)* Same as summary of comment 48	Same as response to comment 48
84	1/19/2026	Peacock	Roxanne		3490 Rolfe Road	Mason	MI	No	*Day/ Short Proposed Amendments Support* Same as summary of comment 48	Same as response to comment 48
85	1/19/2026	Reed	Wendy		518 W Ash St	Mason	MI	Yes	1. Exclude data centers 2. Process concerns	1. **FAQ Generally, FAQ D.2** (Exclusionary Zoning and **FAQ C.3** (Health) 2. **FAQ D.7** (Process) and **FAQ D1** (Ordinance development)
86	1/19/2026	Haranda	Lexie		4520 S. Green Gables Dr.	Mason	MI	No	1. Reduce noise level, generally	1. **FAQ E.10.a** (Noise)
87	1/19/2026	Haranda	Lexie		4520 S. Green Gables Dr.	Mason	MI	No, second submission (# 87)	1. Restrict M3 rezoning to existing M1 and M2	1. **FAQ D.7** (Process)

88	1/19/2026	Karazim	Kathryn	I am a resident in the City of Mason MI	323 N Matthews St	Mason	MI	Yes	1. Exclude data centers and process concerns	1. **FAQ Generally, FAQ D.2** (Exclusionary Zoning and **FAQ C.3** (Health), **FAQ D1** (Ordinance development)
89	1/19/2026	Youse	Jeffery	Concerned resident	226 E Cherry St	Mason	MI	Yes	1. Increase setback 1000 residential, 500 street, 300 boundary 2. Definition detail enhancement 3. Require SUP 4. Infrastructure neutrality (electric, water, sewer, road) 5. Generator restrictions timing, storage, emissions 6. Noise reduced to 55 7. Vibration restrictions 8. Decommissioning and financial assurances	1. **FAQ E.8** (Setbacks) 2. **FAQ E.2** and **FAQ E.3** (Uses by Right) 3. **FAQ E.2** (Uses by Right) 4. **FAQ C.2** (Energy) and **FAQ E.9.b** (Water and Sewer Utilities) 5. **FAQ E.9.a** (Generators) 6. **FAQ E.10.a** (Noise) 7. **FAQ E.10.c** (Vibrations) 8. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
90	1/19/2026	Revers	Wes	None	650 Joan Dr	Mason	MI	No	*Day/ Short Proposed Amendments Support* Same as summary of comment 48	Same as response to comment 48
91	1/19/2026	Revers	Emily	none	650 Joan Drive	Mason	MI	No	*Day/ Short Proposed Amendments (p. 750)* Same as summary of comment 48	Same as response to comment 48
92	1/19/2026	Dibble	David	none	3711 W Howell Rd	Mason	MI	No	1. Concerns about hazardous materials 2. Decommissioning and financial assurances 3. Closed loop requirements 4. Reduce height, generally	1. **FAQ E.13.b** (Hazardous Materials) 2. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt) 3. **FAQ E.4** (Development Standards) and **FAQ E.9.b** (Utility Agmt) 4. **FAQ E.6** (Height)
93	1/19/2026	Mathews	Steven	None	348 Willow St.	Mason	MI	Yes	1. Reduce to 50% lot coverage 2. Noise 55 day, 50 night 3. Reduce height, generally 4. Innovation in cooling allowed 5. Decommissioning and financial assurances 6. Require SUP	1. **FAQ E.13.a** (Parcel Coverage) 2. **FAQ E.10.a** (Noise) 3. **FAQ E.6** (Height) 4. **FAQ E.4** (Development Standards) 5. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt) 6. **FAQ E.2** (Uses by Right)
94	1/19/2026	Reed	Michael	None	518 West Ash	Mason	MI	Yes	1. Exclude data centers and process concerns	1. **FAQ Generally, FAQ D.2** (Exclusionary Zoning and **FAQ C.3** (Health), **FAQ D1** (Ordinance development)
95	1/19/2026	Benson	Delinda	Mason Public School taxpayer	1437 Plains Rd	Leslie	MI	No	1. Require water study prior 2. Concerns on process and notifications 3. Reduce noise generally 4. Reduce height to 45 5. Require 10% renewable 6. Require generators to use natural gas 7. Bond/ Financial assurances	1. **FAQ E.13.a** (Parcel Coverage) 2. **FAQ D.8** (Process) 3. **FAQ E.10.a** (Noise) 4. **FAQ E.6** (Height) 5. **FAQ E.9** (Utilities) 6. **FAQ E.9.a** (Generators) 7. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
96	1/19/2026	Benson	Delinda	Mason Public School taxpayer	1437 Plains Rd	Leslie	MI	No, second submission (#95)	1. Reduce to 50% lot coverage	1. **FAQ E.13.a** (Parcel Coverage)

97	1/19/2026	Stewart	Ann	None	663 Rolfe Rd	Mason	MI	No	1. Require multiple studies prior to site plan 2. Confirm water and energy availbity 3. Concerns about process 4. Violation concerns 5. Financial assurances and decommissioning 6. Require SUP 7. Reduce size to 200 acres 8. Setback to 300 front, 200 rear, 1000 dwelling 9. Lot coverage reduced to 40% 10. Building height increased to 75, limit cooling to 100 and substations to 120 11. Noise reduced to 45 day, 40 night 12. Limit generator testing to 10-4	1. **FAQ D.8** (Process) 2. **FAQ E.4** (Development Standards) 3. **FAQ D1** (Ordinance development) 4. **FAQ E.12.a** (Violations) 5. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt) 6. **FAQ E.2** (Uses by Right) 7. **FAQ E.5** (Eligibility) 8. **FAQ E.8** (Setbacks) 9. **FAQ E.13.a** (Parcel Coverage) 10. **FAQ E.6** (Height) 11. **FAQ E.10.a** (Noise) 12. **FAQ E.9.a** (Generators)
98	1/19/2026	Elliott	Susan	None	3731 Josephine Lane	Mason	MI	No	1. Require SUP 2. Require solar panels on roof and over parking 3. Building height to 40-45 4. Setbacks to 1000 5. Cap water use with violation thresholds 6. Water testing surrounding area 7. Noise to 35-40 for generators and 30-35 normal 8. Outdoor lighting restrictions 9. Vibration damage payment requirements 10. Impact studies prior to approval 11. Financial assurances and decommissioning	1. **FAQ E.2** (Uses by Right) 2. **FAQ C.2** (Energy) 3. **FAQ E.6** (Height) 4. **FAQ E.8** (Setbacks) 5. **FAQ E.9.b** (Utility Agmt) 6. **FAQ C.3** (Health) 7. **FAQ E.10.a** (Noise) 8. **FAQ E.10.b** (Lighting) 9. **FAQ E.10.c** (Vibrations) 10. **FAQ E.4** (Development Standards) 11. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)
99	1/20/2026	DeMartin	Judi	none	409 S. Park St	Mason	MI	Yes	1. Exclude data centers and process concerns	1. **FAQ Generally, FAQ D.2** (Exclusionary Zoning) **FAQ C.3** (Health), **FAQ D1** (Ordinance development)
100	1/20/2026	McCullen	Mark	none	3490 Rolfe Road	Mason	MI	No	*Day/ Short Proposed Amendments Support* Same as summary of comment 48	Same as response to comment 48
101	1/20/2026	Koot	Michael	none	951 N Jefferson St	Mason	MI	Yes	*Koot Proposed Amendments with justifications (p. 822)* 1. Require SUP 2. 1000 ft from various entities (schools/ churches) 3. Environmental impact and other studies required 4. Building height to 50 5. Setbacks' to 1000 6. Generator required to be Tier 4 standards 7. Private well protection for 2000 feet 8. Cooling system requirements 9. Noise to 45, with annual study 10. Outdoor lighting restrictions 11. Require emergency management plan 12. Increase violations 13. Financial assurances and decommissioning	1. **FAQ E.2** (Uses by Right) 2. **FAQ E.8** (Setbacks) and **FAQ C.3** (Health) 3. **FAQ E.4** (Development Standards) and **FAQ C.2** (Energy) 4. **FAQ E.6** (Height) 5. **FAQ E.8** (Setbacks) 6. **FAQ E.9.b** (Utility Agmt) 7. **FAQ C.4** (Water) 8. **FAQ E.4** (Development Standards) 9. **FAQ E.10.a** (Noise) 10. **FAQ E.10.b** (Lighting) 11. **FAQ E.13.b** (Hazardous Materials) 12. **FAQ E.12.a** (Violations) 13. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt)

102	1/20/2026	Brogren	Nels	None	406 1/2 S. Jefferson	Mason	MI	Yes	1. Exclude data centers and process concerns 2. Increase set backs to 1000	1. **FAQ Generally, FAQ D.2** (Exclusionary Zoning and **FAQ C.3** (Health), **FAQ D1** (Ordinance development) 2. **FAQ E.8** (Setbacks)
103	1/20/2026	Doolittle	Tiffany	None	1100 Hawley Rd.	Mason	MI	No	1. Energy grid protections 2. Decommissioning and site restoration to pre-development 3. Well protection 4. Setback to 300	1. **FAQ C.2** (Energy) 2. **FAQ E.11** (Development Agmt) and **FAQ E.9.b** (Utility Agmt) 3. **FAQ C.4** (Water) 4. **FAQ E.8** (Setbacks)
104	1/20/2026	Olive	Jessica	none	161 Gale Road	Mason	MI	No	*Day/ Short Proposed Amendments (p. 882)* Same as summary of comment 48	Same as response to comment 48
105	1/20/2026	Merritt	Kelly	None	352 E Bailey Circle	Mason	MI	Yes	1. Exclude data centers and process concerns	1. **FAQ Generally, FAQ D.2** (Exclusionary Zoning), **FAQ C.3** (Health), **FAQ D1** (Ordinance development)
106	1/20/2026	Miller	Julie	none	3390 W. Howell Rd.	Mason	MI	No	1. 50% lot coverage 2. Height to 45 3. Setback 1000 to building, 500 to parking 4. Water system requirements 5. Hazardous storage requirements 6. Generator restrictions 7. Private well protection for 2000 feet, monitored every 6 months 8. Noise to 40, with annual study 9. 2000 ft from residential structure 10. Increase violations 11. Emergency response plan	1. **FAQ E.13.a** (Parcel Coverage) 2. **FAQ E.6** (Height) 3. **FAQ E.8** (Setbacks) 4. **FAQ E.4** (Development Standards) 5. **FAQ E.13.b** (Hazardous Materials) 6. **FAQ E.9.a** (Generators) 7. **FAQ C.4** (Water) 8. **FAQ E.10.a** (Noise) 9. **FAQ E.8** (Setbacks) 10. **FAQ E.12.a** (Violations) 11. **FAQ E.13.b** (Hazardous Materials)
107	1/20/2026	Gargano	Alex & Nicole	None	447 Raindrop Ct	Mason	MI	Yes	*Various Articles and Samples from Jackson (p. 898)* 1. Setbacks 1000 residential, 500 industrial 2. Noise to 45 3. Require SUP 4. Generator restrictions 5. Water study before approval	1. **FAQ E.8** (Setbacks) 2. **FAQ E.10.a** (Noise) 3. **FAQ E.2** (Uses by Right) 4. **FAQ E.9.a** (Generators) 5. **FAQ E.4** (Development Standards)
108	1/20/2026	Olive	Andrew	none	161 Gale Road	Mason	MI	No	1. Setbacks 1000 residential 2. Environmental impact 3. Water concerns and well protection 4. Energy Concerns 5. Cooling systems 6. Property value protection	1. **FAQ E.8** (Setbacks) 2. **FAQ E.4** (Development Standards) 3. **FAQ C.4** (Water) 4. **FAQ C.2** (Energy) 5. **FAQ E.4** (Development Standards) 6. **FAQ D.4** (Property Values)
109	1/20/2026	von Gunten	Brian	None	1133 Lone Oak Dr	Mason	MI	No	1. Building height no greater than other zones 2. Parcel coverage same as other zones 3. Conflicts with Master Plan	1. **FAQ E.6** (Height) 2. **FAQ E.13.a** (Parcel Coverage) 3. **FAQ D.6** (Benefits)

110	1/20/2026	O'Rourke	Katy	none	3642 W Howell Rd	Mason	MI	No	1. Noise reduced to 55 2. Well protection concerns 3. Height to 45 4. Vibration restrictions 5. No solar panels 6. Energy use concerns 7. Setback to 300 ft	1. **FAQ E.10.a** (Noise) 2. **FAQ C.4** (Water) 3. **FAQ E.6** (Height) 4. **FAQ E.10.c** (Vibrations) 5. **FAQ E.9** (Utilities) 6. **FAQ E.4** (Development Standards) 7. **FAQ E.8** (Setbacks)
111	1/20/2026	Rector	Linda	None	1800 N Meridian Road	Mason	MI	No, second submission (# 79)	*Day/ Short Proposed Amendments (p. 1001)* Same as summary of comment 48	Same as response to comment 48
112	1/20/2026	Rabidoux	Louise	None	2287 Harper Road	Mason	MI	No	1. Closed loop requirements 2. Reduce height, generally 3. Reduce noise level	1. **FAQ E.4** (Development Standards) 2. **FAQ E.6** (Height) 3. **FAQ E.10.a** (Noise)
113	1/20/2026	Koenigsknecht	Chelsea	None	149 Lake Ridge Dr	Mason	MI	No	*Day/ Short Proposed Amendments (p. 1012)* Same as summary of comment 48	Same as response to comment 48
114	1/20/2026	Koenigsknecht	Chelsea	None	149 Lake Ridge Dr	Mason	MI	No, second submission (# 113)	*Day/ Short Proposed Amendments (p. 1053)* Same as summary of comment 48	Same as response to comment 48

FREQUENTLY ASKED QUESTIONS:

M-3 Zoning District Considerations

January 30, 2026

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A. INTRODUCTION TO DATA CENTERS

A.1. Why is the City of Mason considering an ordinance now?

Michigan recently expanded tax incentives for large-scale data centers through legislation providing sales and use tax exemptions. Combined with Michigan's stable electric grid, low natural disaster risk, and utility investments in grid upgrades, the state has become an appealing location for major data center projects.

However, under our current zoning ordinance (M2 General Manufacturing District), data centers could be **permitted as warehouses without the safeguards necessary** to protect the rural character and quality of life in Mason. Many Michigan communities have found themselves unprepared for these proposals—if a project meets zoning requirements, it must be approved. Enacting a zoning ordinance like the one we are proposing has been cited as a best practice by the Urban Land Institute, Local Guidelines for Data Centers, and many other planning resources. This ordinance ensures Mason is ready with clear expectations and protections in place before such proposals arise.

A.2. What is a data center?

Modern data centers have been in place since the 1990s. A data center is a specialized facility that houses computer systems and supporting equipment to store, process, and manage digital information. In simple terms, it's the "brain" of the internet, powering many of the systems we use every day:

- Cloud services (Google Drive, Microsoft 365, iCloud).
- Streaming platforms (Netflix, YouTube, Spotify).
- Online transactions (banking, retail, healthcare).
- Government and enterprise systems.
- Artificial Intelligence (AI) and automation tools.

Typical components include servers (high-powered computers that store and process data), networking equipment (enables data transfer), cooling systems (prevent overheating), backup power (generators and batteries), and security systems (physical and digital protections).

A.3. How are data centers different from industrial warehouses under the current ordinance for the M2 District?

Data centers are often taller than warehouses and require more robust underground and above-ground infrastructure, including external electrical and mechanical equipment, surveillance, controlled access points, and redundancies (multiple power feeds and servers). They are also likely to have robust fire detection and suppression systems. They require relatively few onsite employees and usually require fewer parking spaces and plumbing fixtures and have less of a long-term impact on local traffic.

A.4. Where are data centers built?

Data center companies locate sites based on local electricity availability, land and water availability, and climate conditions. Data centers also depend on high-tension transmission lines and substations.

A.5. How long do data centers operate before major upgrades need to occur?

Typically, **15–30+ years**, depending on technology updates, retooling, and facility lifespan. Comparatively:

- Light / Advanced Manufacturing: Every 3–7 years, driven by automation upgrades, efficiency improvements, or product redesigns (examples include: electronics assembly, medical device manufacturing, precision instrumentation).
- Traditional Manufacturing: Every 7–15 years, equipment is often maintained and incrementally upgraded rather than fully replaced (examples include metal fabrication, plastics, food processing).
- Heavy Manufacturing: 15–30+ years, capital-intensive equipment with long useful lives (examples include steel, cement, chemical processing).

B. GOVERNMENTAL ROLE IN DATA CENTER DEVELOPMENT

B.1. What is the Federal Government's role in data center development?

President Trump has expressed strong support for a rapid expansion of data center infrastructure tied to AI. He considers it critical infrastructure, a matter of national security, and economic competitiveness. Specifically in July 2025, he signed an executive order to streamline federal permitting for data center infrastructure, speed up regulatory reviews, and expand financial support (e.g., grants, loans, tax incentives) for large-scale projects.

B.2. What is the State of Michigan's role in data center development?

Governor Whitmer emphasized that Michigan should act quickly to secure data center development in competition with other states and global competitors like China. "Right now, time is of the essence," Whitmer wrote. "There is a shortage of global computing capacity, and China is moving aggressively to build their own centers and get a leg up on America." Source: 'TIME IS OF THE ESSENCE' | Whitmer supports Michigan's biggest investment ever: Multi-billion dollar AI data center | wzzm13.com

Michigan recently expanded tax incentives for large-scale data centers through legislation providing sales and use tax exemptions that are intended to invite data center investment into the State of Michigan. The new Enterprise Data Center Sales & Use Tax Exemptions took effect in Michigan on April 2, 2025 (use tax) and April 17, 2025 (sales tax), eliminating Michigan's 6% sales and use tax on eligible data center construction and equipment purchases. Public Act 181 of 2024 and Public Act 207 of 2024

While it is anticipated that most data center projects will fall under "enterprise" data centers, which have a much higher threshold for qualification than "qualified" data centers. There are key differences in requirements that are described below:

	Qualified Data Center	Enterprise Data Center
Key definitional feature	Must receive 75% or more of revenue from co-located businesses that are not affiliates of the owner/operator	Must have a minimum of $250M equipment investment
Job Requirements	400-1,000 aggregate statewide before 2026	30 per facility at 150% median prosperity wage
Clean Energy	No requirements	90% of usage (interpretation unclear, see below)
Green Standards	No requirements	One or more certified standards within 3 years
Water Source	No requirements	Municipal
Property Tax	No requirements	Cannot receive sunset, state, or local property tax benefits without local approval
Utility Rates (Energy)	No requirements	Cannot use subsidized rates that shift costs to residential customers
Certification Requirements/ Details	The purchaser must provide Michigan Sales and Use Tax Certificate of Exemption (Form 3372) to its seller. Must also file Form 5726	Must receive Michigan Strategic Fund certification before making purchases that are qualified for the exemption. No new certifications after 12/31/29.
Revocation	No requirements	If certification is revoked, repayment of all related tax exemptions is required (if the revocation occurs 10 years after certification, 50% of the tax exemptions must be repaid).

B.3. What is the City of Mason's role in data center development?

While both the Federal and State governments are advocating for development and inviting investment of data centers in the United States and Michigan, the City of Mason's role is limited to zoning and land-use regulation, not on the type of incentive received.

The City does not develop, own, or operate data centers. The City has made it publicly clear that it does not plan to offer any local financial incentives. Under the City's existing ordinances, development and utility agreements (water/wastewater) are not required. However, if the proposed data center ordinance is adopted, the City would require development and utility agreements as a condition of approval. Those agreements would establish clear and enforceable requirements, including:

- Restrictions on operations and impacts.
- Payment for any improvements or upgrades to City systems made necessary by the development.
- Fines and other remedies for violations.
- Minimum investment commitments.

These requirements allow the City of Mason to protect public infrastructure and ensure accountability while remaining within its limited regulatory role. However, these additional protections are NOT available without the proposed ordinance being adopted.

C. ENVIRONMENTAL IMPACTS

C.1. How do data centers use water and energy?

There are different types of cooling systems, air-based or liquid-based, that use varying amounts of water and energy. Climate considerations often determine the type of cooling system. Many facilities adopt hybrid approaches that combine liquid cooling for high-heat components like Central Processing Units (CPUs) and Graphic Processing Units (GPUs) with air cooling for bulk heat removal. Generally speaking, there's a trade-off between electricity and water use in data center cooling.

Cooling technologies that use more water (e.g., through evaporative cooling) tend to use less electricity, while those with closed-loop or air-based cooling systems tend to use less water but more electricity. Data centers seeking to benefit from Michigan's tax incentive must use municipal water from a municipal water system with available capacity to serve the facility.

Resource:

- (2025, October 31). *Washtenaw County Resiliency Office: A Frequently Asked Question Guide to What Local Governments Should Know About Data Center Development in Washtenaw County.* https://content.civicplus.com/api/assets/2e2e3a9e-9ee1-45c9-978c-f9117b1eb090

C.2. Will data centers increase local energy rates?

Data center-related energy cost increases in states like Virginia and Ohio do not necessarily translate to Michigan. Under the Michigan Public Service Commission, Michigan abides by cost-of-service ratemaking, which means that utility rates allocate "costs to customer classes based on usage patterns." That data centers must pay their fair share of costs was made even more explicit in recent legislation which requires that data centers that receive Michigan's use/sales tax exemptions must be in an electric service rate that does not cause residential customers to subsidize electric service costs for the data center.

That does not mean, though, that electric rates will not increase. U.S. average retail electricity prices from 2019 to 2023 grew faster than inflation for residential consumers. This is due to both expanding capacity for new infrastructure, but also for replacing infrastructure in an aging electrical system. To support future data centers, public utilities like DTE Energy and Consumers Energy will need to build new infrastructure to expand their service

capacity. This new infrastructure, coupled with deferred maintenance projects, will likely increase local utility rates.

In addition, the terms of service related to data centers for Consumers Energy approved by the Michigan Public Service Commission stipulate the following:

- Tariff for data centers and other similar large-load users would apply to any customer with a minimum service threshold of 100 megawatts (MW), or aggregated loads of 100 MW with individual sites within Consumers Energy's service territory having loads of 20 MW or more with the same common owner to protect residential customers.
- A minimum contract term of 15 years; a minimum billing demand of 80% that must be paid regardless of use; a ramp-up period of up to five years to reach full-service levels; and automatic contract extensions of 5 years with a required four years' notice for contract termination.
- An exit fee a large-load customer must pay for ending service before the end of a contract to ensure large load customers remain in service long enough that they will contribute significantly to new and embedded costs, while also giving Consumers time to plan for unprecedented changes to their overall load.

Resources:

- (2025, October 31). *Washtenaw County Resiliency Office: A Frequently Asked Question Guide to What Local Governments Should Know About Data Center Development in Washtenaw County.* https://content.civicplus.com/api/assets/2e2e3a9e-9ee1-45c9-978c-f9117b1eb090
- Helms, M. (2025, November 6). *MPSC approves terms of service between Consumers Energy and data centers, other very large customers; adds protections for existing customers.* *https://www.michigan.gov/mpsc/commission/news-releases/2025/11/06/mpsc-approves-terms-of-service-between-consumers-energy-and-data-centers*

NOTE: *Many public comments focused on a desire for the city to put in requirements around energy. The City does not regulate electrical consumption, rates, or the infrastructure; however, projects seeking exemptions under the new state law must meet environmental standards. These include commitments to source renewable power and implement energy efficiency practices. An additional proposed amendment, related to a statement of assurance of the availability of power, is discussed under question E.4.*

C.3. Are there health concerns for surrounding residents located near a data center?

Modern data centers have been in existence since the 1990s, with hyperscale starting in the 2010s. Over that course of time, there has been no scientific evidence directly connecting the data center industry to any health concerns for surrounding residents, including children. However, the following concerns regarding cancer, pollution, etc., are often brought up, and more information is provided below.

C.3.a. Cancer Concerns from Electromagnetic Fields

Independent scientific reviews show no established causal link between living near a data center and an increased cancer risk from the facility's infrastructure, such as electromagnetic fields (EMF). The type of EMF emitted by data centers is non-ionizing, similar to household electronics, office environments and power lines, and does not have enough energy to damage DNA directly, which is the mechanism necessary to cause cancer.

C.3.b. Cancer Concerns from Nitrate Exposure

Data centers DO NOT produce nitrates. A data center in Oregon is the source of these concerns, although the details of that situation are important. In Morrow County, Oregon and the Lower Umatilla Basin, nitrate contamination of groundwater has been a long-standing environmental and public health issue, first documented decades ago. Nitrates enter water primarily from fertilizer use on farmland, animal agriculture, and wastewater practices that allow nitrogen-rich water to leach into aquifers that local residents rely on for drinking water. Some of their wells have shown nitrate levels dozens of times higher than federal and state safety limits.

Long-term nitrate contamination is linked scientifically with health concerns such as "blue baby syndrome," reproductive problems, and increased cancer risk at high concentrations in drinking water, particularly for infants and pregnant women. Data centers in the Morrow County region use large amounts of groundwater for evaporative cooling. The water they draw is already contaminated with nitrates (from agriculture and other long-standing sources). Because Morrow County data center cooling systems evaporate water but leave nitrates behind, the return flow can have even higher nitrate concentrations when it goes back into the wastewater system and ultimately into the environment. This has led Morrow County residents and advocates to assert that data center operations are "supercharging" the nitrate problem and thereby contributing to health effects like miscarriages and cancer clusters.

Industry and company statements (e.g., from Amazon) dispute that data centers are a root cause: They do not add nitrates to water as contaminants. They argue that nitrate problems predate data center operations in the region and are driven mainly by agriculture and existing wastewater practices. They assert that their total water use is a small fraction of the overall system and not enough to materially change water quality outcomes on its own.

> ***Bottom Line**: The City of Mason currently tests its drinking water for nitrates and nitrites, among a plethora of other analytes, on a routine basis as required by Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the U.S. Environmental Protection Agency (EPA). Current testing indicates that Mason's water has nitrates and nitrites at a non-detect level, significantly below any level of concern, unlike the area referenced above.*

C.3.c. Respiratory Risks

The most documented health risk associated with data centers is air pollution linked to energy generation, particularly:

- **Diesel backup generators**, which are commonly used by data centers and can emit fine particulate matter (PM2.5) and nitrogen oxides (NOx).
- **Electricity generation** from fossil fuel–powered plants serving the grid by power companies.

These emissions are known to affect public health — including increased risks for respiratory problems, cardiovascular diseases, and lung cancer — but these risks are related to air pollution generally, not the data center itself producing toxic chemical emissions.

The World Health Organization (WHO), the EPA, and other health authorities classify diesel exhaust as a human carcinogen, meaning exposure to diesel emissions from backup generators can raise cancer risks if exposure is **high and prolonged**.

A data center in Memphis, Tennessee, is the major source of these concerns connected with data centers generally, although the specific details of that situation are important. Memphis became the site of a massive new data center, built by xAI, an artificial-intelligence company founded by Elon Musk. Because the facility's electricity demand far exceeded what was available from the local power grid, the company relied on on-site methane gas turbines to generate additional power. Residents claim xAI installed and operated dozens of methane gas turbines without the required environmental permits, instead exploiting a provision that temporarily exempts "mobile" engines for a short period.

Beyond federal requirements, EGLE regulates generator emissions and enforces EPA standards. Generators that are used on a regular basis are required to meet Tier 4 emissions standards, which are the most stringent currently in effect. However, generators designated solely for backup emergency power are exempt from this requirement. While the EPA does not impose a limit on the number of hours an emergency generator may operate during actual emergency conditions, it does restrict emergency generators to a maximum of 50 hours per year for maintenance and testing purposes.

NOTE: *Members of the public have raised concerns regarding the use of diesel fuel for generators as compared to natural gas. Restrictions on fuel sources are a concern for any industry with essential operational needs during power outages, and the City does not currently impose fuel source requirements on other electric users. From a safety and reliability perspective, diesel fuel is generally less flammable than natural gas, and natural gas service may be disrupted during emergencies, potentially rendering generators inoperable. Diesel fuel, by contrast, can be stored onsite, providing greater reliability during extended outages. Given the essential nature of this industry, requiring a potentially unreliable fuel source during emergencies would be difficult to justify. However, there are ways we can ensure that the particulates are reduced significantly by requiring generators meet the Tier 4 emission standard, even though emergency generators are exempt. An additional proposed amendment to require this is discussed in question E.9.a.*

C.4. Are there concerns regarding this draining of our water resource, and how will you ensure it does not?

C.4.a. Do we have enough water?

Protecting Mason's water supply is a core priority for the City of Mason. The City's water treatment plant currently has the capacity to treat up to 1.5 million gallons per day (MGD) with no improvements. The facility was intentionally designed for expansion and can treat up to 2.5 MGD with the addition of a second filter train and only limited upgrades. By comparison, the City's current average daily usage is approximately 700,000 gallons, leaving substantial available capacity today.

While the State incentive program requires a municipal water connection, it does not require a utility agreement with the water provider. Importantly, this means users cannot draw water directly from the aquifer. All water use must occur through the City's municipal system, where it is fully permitted, metered, and monitored.

The City's proposed ordinance goes beyond the State requirement by mandating that all users within the district enter into a formal utility agreement with the City. This requirement ensures that:

- All water use is fully metered, monitored, and managed through the municipal system, and
- Any infrastructure or system investments required to serve the development are paid for entirely by the development itself—not by existing residents or utility customers.

The utility agreement will also include a regular minimum payment, which the City anticipates will help stabilize—and potentially reduce—utility rates for Mason residents by providing predictable, dedicated revenue to support ongoing system operations and long-term infrastructure needs.

To further confirm available capacity and ensure responsible use, the City is currently conducting a comprehensive water resource study with qualified experts to establish a sustainable daily draw for the municipal system with our existing wells and potential additions. This analysis includes:

- Current average water usage
- Estimated demand at full build-out of remaining vacant land
- Existing water service agreements with neighboring townships

Only the remaining available capacity identified through this study will be considered for any future users. No utility agreements will be executed until the study is complete and the City can confidently confirm that sufficient capacity exists without compromising existing customers or long-term water sustainability.

If necessary, additional safeguards may be required to manage peak demand, including developer-funded infrastructure improvements, such as a water tower or other storage solutions, to reduce system stress during high-demand periods.

Finally, it is important to recognize that the Saginaw Aquifer serving Mason extends beyond City boundaries. Long-term sustainability depends on coordinated, responsible water management not only by the City, but also by regional partners who share the aquifer and by EGLE as the regulating agency.

C.4.b. Who will regulate their water withdrawal and what will happen if they take too much?

Any water withdrawal by the City beyond its currently approved pumping capacity is regulated by the EGLE through its Geologic Resources Management Division.
The City operates in full compliance with regulations and pumping limits approved by the EGLE as part of the well construction and permitting process. These approvals consider the cumulative impact of all Type 1 wells drawing from the aquifer, along with other relevant factors, to ensure the aquifer is not overstressed. Any future increase in the City's pumping capacity would require additional review and approval by EGLE, consistent with the permitting requirements applied to all type 1 wells.

This process is independent of the City's internal water resource study and includes state-level review to ensure withdrawals do not cause adverse environmental or regional impacts.

Under the proposed ordinance, the data center would not be permitted to withdraw groundwater directly. All water use must occur through the City's municipal system and remain within the City's permitted capacity. Utility agreements will establish enforceable limits, monitoring requirements, and corrective actions. If a user exceeds authorized use, the agreement will provide for fines, required remedies, and ultimately the ability for the City to terminate service if violations persist.

C.4.c. Do data centers make private wells run dry?

Concerns about private wells have been raised based on a situation in Newton County, Georgia, where some residents reported declining water pressure and dry taps following construction of a Meta data center. In that case, residents attributed the issue to sediment disturbance and changes in groundwater behavior during construction and dewatering activities. It is important to note that these accounts represent homeowner claims and are not findings from a peer-reviewed hydrologic study directly linking the reported well impacts to data center operations.

More broadly, data centers can consume significant amounts of water for cooling, particularly in regions already experiencing water stress. For example:

- Some facilities use millions of gallons of water per day, which can place pressure on aquifers in drought-prone areas.
- Where data centers rely on direct groundwater withdrawals, large and sustained pumping can contribute to lowering the water table, potentially affecting shallow private wells if groundwater recharge rates are insufficient.

Under the proposed ordinance, this risk is substantially mitigated. Data centers would not be permitted to make direct groundwater withdrawals, nor would they be allowed to use water at the volumes associated with large-scale groundwater pumping. Instead, water must be supplied by the City's municipal system, which is pumped and managed under the City's EGLE-regulated permit. This ensures that withdrawals remain within approved limits and are subject to ongoing monitoring and regulatory oversight.

If a data center exceeds its authorized water usage, the utility agreement will establish clear enforcement mechanisms, including penalties, required corrective actions, and, if noncompliance persists, termination of the municipal water connection. This framework ensures accountability while protecting both the City's water supply and surrounding properties.

It should also be noted that private residential wells typically do not draw from the same portion of the aquifer used by the City. Most private wells draw from the shallow water table (typical depth of 160 feet

based on 2006-2026 average), which can fluctuate over time due to a variety of factors unrelated to any specific industry's operation, including drought conditions, seasonal variation, land use changes, and long-term groundwater trends. As a result, private wells may periodically require deepening regardless of nearby development, making well protection zones or payment for too shallow wells not legally defensible. For comparison, City well depths average 350 feet.

C.5. Wastewater discharge concerns

C.5.a. Can data centers directly discharge on the ground, into drains, or into creeks?

No. In Michigan and specifically in Mason, untreated or industrially processed wastewater generally cannot be discharged on the ground, into storm drains, or directly to creeks without a state permit. Any discharge of wastewater that reaches waters of the state (including surface water or groundwater) requires a specific permit under Michigan's environmental laws — most commonly an NPDES (National Pollutant Discharge Elimination System) permit for surface water discharges or a Groundwater Discharge Permit for discharges to the ground or groundwater. A project under this ordinance would fall under the City's permit and the City would be accountable to enforce any concerns, or it would be subject to fines by the State.

C.5.b. Do data centers put contaminants into wastewater, and can our plant handle them?

Each industry's water discharge is unique and depends on the specifics of that location. While there is no data to demonstrate that data centers discharge wastewater with contaminants that would exceed the level of treatment feasible for the wastewater treatment plant, there are legal restrictions.

Under federal and state rules, industrial wastewater that could harm treatment plants or the environment must be pretreated or controlled before being sent into the sewer system. This is part of Michigan's Industrial Pretreatment Program (IPP) that applies to significant industrial users of municipal wastewater systems. In addition, Mason's ordinance has specific criteria, requirements, limits, and structures in place. Refer to Mason Code Sections 82.153 – 82-193.

In addition, the M3 ordinance requirements for a utility agreement would ensure that these requirements are also contractual with remedies for violations.

D. MASON'S PROPOSED ORDINANCE- GENERAL

D.1. How was the proposed ordinance developed?

The proposed ordinance draws from best practices across Michigan and Ohio, as well as lessons learned from communities that experienced rapid or unanticipated data center development. It establishes clear, enforceable standards for location, design, utilities, buffering, and noise management, balancing economic opportunity with the preservation of Mason's rural identity.

As part of the development process, some Councilmembers independently visited communities where data centers are operating or were approved under ordinances like the one being considered. These self-initiated visits allowed those Councilmembers to observe real-world conditions and make suggestions for staff refinements based on firsthand experience. No data center representatives or staff from the host communities participated in these visits. In addition, City staff consulted with a range of experts—including engineers, academics, attorneys, developers, and sustainability professionals—and engaged with other municipalities that have adopted or are developing similar ordinances. This approach reflects standard municipal practice and helps ensure the ordinance is informed, practical, and aligned with best practices.

The City Council also provided more opportunities for more local public engagement than required, including additional open house meetings, city council meetings discussing the topic, and a formal public comment period. The purpose of the comment period was to gather actionable recommendations to improve the ordinance. A total

of 114 formal comments were received, and all will be reviewed for opportunities to improve the ordinance prior to final consideration of the ordinance by City Council.

D.2. Why don't you just restrict data centers outright or make the ordinance too difficult?

Michigan zoning law does not allow a municipality to use zoning in a way that is exclusionary or arbitrary, unless allowed specifically by state law (for example, marijuana dispensaries). Ordinance standards must be reasonable, based on documented impacts, and directly related to the specific land use being regulated. An ordinance that is intentionally designed to prohibit a lawful land use — or make it effectively impossible to site anywhere in the city — would be vulnerable to legal challenge.

The City's obligation is to regulate development responsibly, not to pre-determine outcomes. This means:

- Standards must be supported by verifiable facts and operational characteristics, not speculation or generalized concern.
- Requirements must be proportional to the actual impacts associated with the use.
- Zoning regulations must allow some reasonable opportunity for a permitted use to locate within the City.

Instead of attempting to prohibit data centers outright, the ordinance focuses on clear, enforceable performance standards—such as noise limits, buffering, utility agreements, infrastructure requirements, and environmental protections—that directly address real, measurable impacts. This approach allows the City to:

- Protect public health, safety, and welfare.
- Maintain local control over how and where development occurs.
- Reduce legal risk to the City.
- Ensure that if a data center is proposed, it must meet strict standards tailored to Mason's context.

This framework provides meaningful safeguards while remaining consistent with the City's legal obligations and planning responsibilities.

> ***NOTE:*** *Some public comments have suggested imposing large setbacks or separation requirements from residential neighborhoods, schools, or daycares in the magnitude of miles. Currently, there is no credible scientific or regulatory finding showing that data centers pose a health risk or any legal allowance for this separation. In addition, Mason is approximately three miles wide. Imposing broad exclusion zones, in practical effect, eliminates all viable locations within the city. That would amount to de facto exclusionary zoning, which is not legally defensible under Michigan law.*

D.3. Where is the data center planned?

At this time, no data center has been approved or formally proposed in the City of Mason. The proposed ordinance is proactive, not reactive—it establishes clear standards before an application is submitted so that any future proposal is reviewed transparently, consistently, and in alignment with community expectations. If an application is submitted in the future, the location and details would be subject to public notice, public meetings, and formal review under the City's zoning process. **Refer to question D.8.** for more information on that process.

D.4. How will the City protect my property values?

Property values are influenced by many factors, including market conditions, location, surrounding land uses, and the condition of nearby properties. While the City recognizes that residents care deeply about how nearby development may affect their property values, often their largest asset, individual property owners do not have the legal right to control how neighboring properties are used, provided those uses comply with zoning and other applicable laws.

The City's role is to establish and enforce zoning regulations that balance private property rights with the broader public interest. This includes ensuring that uses allowed in a zoning district are appropriate for the area and that potential impacts are mitigated to the extent permitted by law.

By regulating land use and requiring mitigation of potential impacts, the City works to promote compatibility between neighboring properties. However, the City cannot guarantee property values or prohibit otherwise lawful development solely based on perceived impacts to individual properties.

D.5. Are there NDAs and other confidentiality agreements in place with the City?

No. City officials have not entered into any nondisclosure agreements (NDAs) or other confidentiality agreements related to a data center project. However, many other communities evaluating data center development have reportedly done so to gather more information about specific end-users and their processes.

It is important to understand, however, that confidential due diligence is a normal and necessary part of private land acquisition and early-stage project evaluation. Property owners and potential developers often conduct preliminary work—such as environmental reviews, infrastructure feasibility analysis, outstanding obligations, and financial modeling—confidentially to protect private negotiations and avoid market disruption before a project is viable. These inquiries occur for all types of development, from small residential transactions to large industrial developments.

Like many communities, the City may respond to informal or exploratory inquiries. However, the City cannot approve zoning, land use, incentives (none are planned in this case), or agreements without a formal application and public process. Any proposal that advances a formal application to rezone or for site plan review would be subject to public notice, public meetings, and review in compliance with the Open Meetings Act and public records requirements.

In addition, all City officials serving on elected or appointed boards are subject to the City's Code of Ethics (Sections 2-101 through 2-106), which requires disclosure of conflicts of interest and any financial interest related to an action.

D.6. Are there any benefits from a data center?

Short Term Job Creation, Limits on Long Term Traffic: Construction projects bring short-term employment for local contractors, suppliers, and service providers, and operations create a limited number of skilled, well-paying permanent jobs in IT, maintenance, and security. However, a data center is not expected to result in long-term job creation that will put additional pressure on our housing market or require major road infrastructure investments for long-term traffic concerns. The City has agreed through its Master Plan that large job creators are not a priority within the city.

Alignment with the Master Plan: The City's Master Plan prioritizes tax base diversification while thoughtfully managing impacts such as traffic and preserving small-town character. Under the "Investment" goal, the plan states that the City must "consider long-term efficiency, resiliency, and the next generation's needs," specifically asking whether a project "diversifies Mason's tax base" or merely expands an already dominant sector. Data centers align with the plan's goal of increasing high-value, low-impact development, enhancing our economic resiliency—properties that use utilities and generate tax revenue but have minimal long-term effects on housing demand, public services, traffic, and schools.

Expanded Tax Base & Financial Resilience: Data centers can diversify Mason's tax revenue. Currently, approximately 7.16% of local tax revenue is tied to the auto industry and 66% to single-family homes. Broadening this base helps ensure long-term stability for our community.

Supports City Financial Needs: The City faces increasing obligations, including significant Drain Assessments estimated to equal almost a mil annually for 20 years and the ever-increasing costs to maintain existing operations. New development investments can help sustain existing services without raising—and even potentially lowering—

City tax rates. With the recently approved Drain Assessments, a City millage increase is likely in the near future to avoid a reduction in service levels.

Many have inquired about the specific financial benefits to the City, school and our region. The following estimates reflect annual tax contributions under two taxable value scenario assumptions, as there are no projects that have been presented to provide specific data:

Recipient	**$50M Annual Taxable Value** *(lowest anticipated value based on state incentive minimum investment thresholds)*	**$100M Annual Taxable Value** *(average value based on projects proposed in other communities)*
City General Fund (estimated)	$750,000	$1,500,000
Mason Public Schools – Debt	$250,000	$500,000
Mason Public Schools – Sinking Fund	$50,000	$100,000
County Trail Millage	$50,000	$100,000
Intermediate School District (ISD)	$300,000	$600,000
Lansing Community College (LCC)	$175,000	$350,000
Library (system-wide)	$75,000	$150,000
County	$250,000	$500,000
Airport	$75,000	$150,000
Direct Mason Area Impact Estimate (Totals for items in blue)	**$1,350,000**	**$2,700,000**

Comparatively, with the City's average annual general fund tax revenue of approximately **$4.5 million**, this level of contribution would provide meaningful fiscal stabilization. Depending on final impacts, it could allow the City to avoid future millage increases or potentially reduce millage rates for residents.

Examples of potential benefits include maintaining or expanding park investments without renewing a dedicated park millage or absorbing increased costs associated with functions such as the Drain Assessments without imposing additional taxes.

Unlike many other forms of development, particularly residential development, where service demands often rise in proportion to tax revenue, this type of development places relatively limited demand on City services. As a result, the net fiscal impact is expected to be significantly positive, helping stabilize the City's budget while supporting long-term financial sustainability.

D.7. What happens if we don't adopt an ordinance (M2 vs. M3 Comparison)?

Not adopting the ordinance **DOES NOT STOP DATA CENTERS** from locating in the City. Instead, it leaves them regulated under an outdated framework that treats data centers the same as conventional industrial uses, despite their significantly different scale and operational impacts. The proposed ordinance shifts regulation from a generalized approach to a purpose-built framework, ensuring data centers are located and managed in a way that better protects surrounding land uses and the community as a whole.

The chart below provides a comparison of the more stringent requirements that the M3 ordinance will provide compared to the existing M2 ordinance based on approved amendments up until the date of this publication. It does not include proposed amendments from formal public comments that could make M3 even more stringent:

Mitigation of Impacts	M-2 (Current)	M-3 (Proposed)
Minimum Zone Size	Not required	300 contiguous acres
Minimum Parcel	60,000 or in M-2 Industrial Parks, the required minimum lot area within a parcel shall be 20,000 square feet	50 acres
Frontage	On a public street	Adequate to meet requirements on a public street or a private drive over a parcel with frontage on a public street
Parcel Width	200; In M-2 District, Industrial parks required minimum lot width shall be 100 feet.	Adequate to meet requirements
Parcel Coverage of all structures	50%; The remaining 50% of the lot for required parking, landscaping, and storm water drainage control (retention/detention ponds).	60%; The remaining 40% of the lot for required parking, landscaping, and storm water drainage control (retention/detention ponds).
Minimum Front Set Back	60 may be reduced by a maximum of 50% upon finding that the reduced setback is in keeping with predominant development patterns in the immediate area and such reduction would encourage a more uniform, unified and orderly development pattern.	150 feet for buildings from the public street or to a residential zone (not including AG) 100 feet for parking
Minimum Side Yard Set Back	20	50 (nonresidential), 150 if residential
Minimum Rear Yard Set Back	20	50 (nonresidential) 150 if residential
Maximum Height	45; May be increased if front, side, and rear yard setbacks are increased an equal amount. ***Note**: The setbacks for a 70-ft building is allowed and would be 85-ft front and 45-ft side/rear.*	70
Parking	.33 per 100 square feet of Usable Floor Area (UFA)	1 per employee (maximum employee shift)
Public Amenities	Sidewalk	Leisure Trail
Lighting	No more than one foot candle of light shall cross a lot line five feet above the ground on a residentially used lot. Lighting is directed downward as much as possible and is appropriate for the application.	In addition to lighting requirements for M2, M3 lighting standard includes more stringent requirements implementing "dark sky" elements such as limiting the height of lights and light level, requiring lights over 1000 lumens to be fully shielded to support downward lighting, limiting correlated color temperature to 3000 kelvins, and requiring motion lights to shut off after 5 minutes.

Mitigation of Impacts	M-2 (Current)	M-3 (Proposed)
Noise	Adjacent to a residential or other non-commercial, non-industrial district. • 7:00 a.m. to 10:00 p.m.: 55 dBA • 10:00 p.m. to 7:00 a.m.: 50 dBA Adjacent lot in a commercial district. • 7:00 a.m. to 10:00 p.m.: 65 dBA • 10:00 p.m. to 7:00 a.m.: 60 dBA Adjacent lot in an industrial district. • 7:00 a.m. to 10:00 p.m.: 70 dBA • 10:00 p.m. to 7:00 a.m.: 65 dBA	This ordinance would require that noise levels do not exceed sixty-five (65) decibels (dBA) on any adjacent private property outside of this district during normal operations. Noise levels up to eighty (80) decibels (dBA) at the boundary of any adjacent private property outside of this district are allowed during periodic testing or exercising of equipment. Such testing or exercising shall not occur more often than once monthly for up to a total of fifteen (15) minutes, with the exception that such testing shall be allowed for a duration of up to a total of sixty (60) minutes twice per year. If approved in advance by the city manager for each occurrence, the sixty (60) minute events may be allowed up to two (2) additional times per year. Any testing or exercising shall be allowed only to occur between the hours of 9:00 a.m. and 4:00 p.m. on a weekday.
Screening	When adjacent to agricultural or residential uses, a buffer at least 50 feet wide containing one tree for each 20-linear feet of buffer zone length or fraction thereof. When adjacent to office or commercial uses, a buffer at least 30 feet wide containing one tree for each 30-linear feet of buffer zone length or fraction thereof. When adjacent to manufacturing/industrial uses, a buffer at least 10 feet wide containing one tree for each 30-linear feet of buffer zone length or fraction thereof. All: At least one-half of the total number of trees required within the buffer zone shall be canopy trees. The buffer zone shall contain a minimum six-foot high screen comprised of plant material, berms, screen walls or fences, or any combination of these elements.	This zone will require a berm which shall consist of a mixture of deciduous trees, evergreens, bushes, and natural grasses to provide an opacity of eighty percent (80%) and reach a height of fifteen (15) feet above the berm on the date that is four (4) years after planting, creating a natural buffer. In addition, a four (4) rail fence shall be installed by the owner along the right-of-way of a street that abuts the subject property for the entire length of the frontage on the street, subject to required breaks for vehicular and pedestrian access. Any security fencing would be behind these elements. This zone also includes access point screening 94-153(l)(2)(d)(4) and vegetative screening along boundaries not adjacent to a public street or residential 94-153(l)(4).
Berming		Required along the entire district boundary adjacent to a public street or residential property, eight (8) to ten (10) feet high with a minimum of 15-foot plantings above the berm

D.8. If a project is submitted, what are the next steps, and will the public be involved?

If a project is submitted, it must go through multiple public review steps under the new ordinance, each conducted at noticed public meetings with opportunities for public comment. This process would occur over the process of several months, with an opportunity for the public to review plans and comment. Although multiple actions (for example: utility and development agreements) could take place at the same meeting.

If the property is already within the City:

1. *Rezoning of Property*
   a. City Council – Considers introduction and first reading of proposed rezoning ordinance (**Public Meeting***).
   b. Planning Commission – Holds public hearing, takes public comment, and makes a recommendation to Council on rezoning ordinance. ***Public hearing*** notices are required to be mailed to abutters within 300 feet of the proposed parcel being rezoned and printed in the Lansing State Journal at least fifteen (15) days in advance. (**Public Meeting***).
   c. City Council – Considers the Planning Commission's recommendation, second reading and adoption of rezoning ordinance (**Public Meeting***).

2. *Utility Agreement.* City Council – Considers terms of agreement governing water and wastewater service, monitoring, and enforcement (**Public Meeting***).

3. *Development Agreement.* City Council – Considers terms of agreement outlining obligations related to infrastructure, operations, and mitigation measures (**Public Meeting***).

4. *Site Plan Review*
   a. Preliminary Site Plan Review – Planning Commission review of layout, buffering, access, utilities, and compliance with ordinance standards. (**Public Meeting***).
   b. Final Site Plan Review – Planning Commission final confirmation that all ordinance requirements and conditions have been met before permits may be issued (**Public Meeting***).

If the property is not within City limits, additional steps occur before development review. These steps replace the rezoning process and also require public meetings:

- **Option 1: Public Act 425 Agreement (Intergovernmental Conditional Transfer of Property by Contract Act)**
  Outlines the terms of the transfer, including any revenue sharing, zoning, and development conditions for up to 50 years. This is the ideal mechanism to create a partnership between both entities, but it cannot generally occur until a specific project area and development are defined or requested.

  1. Appropriate Township –The township board considers and acts on the agreement (**Public Meeting***).

  2. City Council – City Council considers and acts on the agreement (**Public Meeting***).

- **Option 2: Annexation**
  The City has no intention of annexing any property at this time, so this process would be Direct Annexation by Property Owner Petition to the State Boundary Commission, expressing their need for utilities, as required by the incentive. This can happen at any time upon the petition of the property owner.

  1. State Boundary Commission – The Michigan State Boundary Commission holds a public hearing before making a decision on annexation (**Public Meeting***). For more information on this process and relevant public acts visit: https://www.michigan.gov/lara/bureau-list/bcc/boards-commissions/state-boundary-commission

***NOTE:** Public Meetings are advertised in accordance with the Michigan Open Meetings Act and allow for public comments as defined in that entity's rules of order.*

E. MASON'S PROPOSED ORDINANCE- SPECIFIC

In order of how they are listed in the Proposed Ordinance, except additional sections added at end.

E.1. **Sign Requirements.** Section 58-127

The amendment to the sign regulations was made solely to include the M-3 District, as zoning law does not allow a district to be created without sign allowances. The intent was not to permit larger or more prominent signage than otherwise allowed under the City's sign ordinance.

> ***PROPOSED AMENDMENT:*** *Questions have been raised about whether the large physical size of a facility could result in unintentionally larger signs due to how the sign area is calculated. That concern was reviewed, and an additional amendment will be proposed to ensure sign size remains consistent with the City's intent and community character. This amendment would limit the wall signs in the section to a maximum size of eight hundred (800) square feet.*

E.2. **Uses permitted by right.** Section 94-153(b)

The defined uses in the ordinance were developed based on industry standards, state incentive program language, and zoning best practices used by other communities regulating similar facilities.

> ***NOTE:*** *Some public comments have raised concerns that the definitions may be overly broad or could allow uses beyond what was intended. These comments were reviewed and considered. However, the definitions must align with and remain consistent with the City's existing ordinance framework, which does not define uses based on their impacts to other utilities, such as electric infrastructure, over which the City has no regulatory authority. As a result,* ***no amendments are planned for this section.***

E.3. **Uses permitted by right. Uses authorized by a special use permit.** Section 94-153(b)-(d)

The ordinance reflects a broader planning trend toward clearly defined uses with objective standards, rather than relying heavily on Special Use Permits (SUP). This approach provides greater predictability, transparency, and enforceability for both the City and the public. The City wants to ensure the requirements in the ordinance are not impacted by the pressure of a large financial contributor to the community.

Special Use Permits would still be required for any M-1 or M-2 uses proposed within the M-3 District, as those uses typically have different operational characteristics and may not require—or may not be appropriate for—the additional restrictions established for M-3. This ensures that uses are reviewed based on their actual impacts and compatibility with the district

With both Use by Right and Special Use Permits, the City may add additional conditions to avoid, minimize or mitigate adverse impacts based upon findings of fact discovered as part of the Site Plan Review process. Site Plan Review is a multi-disciplinary review by all City Departments and Agencies with jurisdiction over a proposed location.

> ***NOTE:*** *Public comments were received both in support of and in opposition to allowing a concrete batch plant as a by-right use on the site. In the initial draft of the ordinance, a concrete batch plant was included based on input from communities with existing data center developments, where on-site batching was found to reduce truck traffic and roadway impacts during construction. However, feedback received during the public open houses indicated that potential on-site impacts were of greater concern to residents than temporary roadway impacts. Based on this feedback, the use was removed from the ordinance. There are no plans to recommend an amendment to reinstate a concrete batch plant as a by-right use.*

PROPOSED AMENDMENT: *Based on public feedback, there are concerns that without a SUP, there may be less public engagement. That concern was reviewed, and an additional amendment will be proposed to add a formal public hearing at the preliminary site plan evaluation in alignment with the public engagement associated with SUP. That process requires notification to be mailed to abutters within 300' of the proposed parcel being rezoned and printed in the Lansing State Journal at least fifteen (15) days in advance.*

E.4. **Development standards.** Section 94-153(e)

Under the City's existing site plan review ordinances, the Planning Commission already has the authority to request additional documentation as part of its review. This authority can include many of the items raised during public discussion, such as analyses of utility impacts and environmental considerations. For that reason, no additional mandatory submittal requirements were originally included in this ordinance.

PROPOSED AMENDMENT: *Based on public feedback, concerns were raised that certain critical documents should be required—rather than optional—for uses within these districts. The intent of this feedback was to ensure that key information cannot be waived and that the public has consistent access to essential information, particularly given the unique infrastructure and environmental considerations associated with this industry.*

In response, the City will propose an amendment requiring the following materials to be submitted as mandatory components of the site plan review process:

- *Estimated water and wastewater usage, including anticipated average and peak demands*
- *Written confirmation from the electric utility provider verifying that sufficient electrical capacity is available and that service to the proposed use will not adversely affect existing customers*
- *An environmental impact statement evaluating potential effects on water resources, air quality, and area wildlife, including identification of proposed mitigation measures such as cooling systems and water conservation practices*

These requirements establish a consistent baseline of information for review, enhance transparency for the public, and preserve the Planning Commission's ability to request additional documentation as necessary.

Public comments also suggested that the ordinance should dictate the specific type of cooling system or require particular methods of water use mitigation. While the utility agreement referenced in question E.9 will establish maximum usage thresholds and allow for discussion of conservation strategies, the City does not prescribe specific operational technologies through the zoning ordinance. Dictating particular systems could unintentionally limit innovation or require outdated approaches by the time a project is proposed. Instead, the City focuses on performance standards and enforceable limits while allowing flexibility in how applicants meet those requirements.

E.5. **Eligibility.** Section 94-153 (f)

The ordinance currently requires 300 contiguous acres based on information from other communities on the typical size of the types of centers that would fall under the state's incentive.

PROPOSED AMENDMENT: *There have been public comments expressing concerns that the 300 contiguous acres are targeting certain properties that are only outside of the City. That concern was reviewed, and an additional amendment will be proposed to reduce the minimum size to 50 acres and ensure that it does not restrict the site to only a few properties and doesn't give the impression of exclusionary zoning. This change also resulted in the proposal of an additional amendment recommending removal of Section 94-153(g)(1), as a minimum parcel area is no longer needed with the district being reduced to 50 acres.*

E.6. **Building Height.** Section 94-153 (h)

Under the existing M-2 zoning district, the maximum building height is 45 feet. However, this height may be increased when front, side, and rear yard setbacks are increased by an equivalent amount. For example, a 70-foot building is allowed, but would require an 85-foot front yard setback and 45-foot side and rear yard setbacks.

The proposed M-3 district standards are significantly more restrictive. While allowing greater building height, the proposal requires a minimum 150-foot setback, which exceeds current M-2 requirements and substantially reduces visual and land-use impacts. The City as a provider of services has to balance effective use of land by going up in height vs. going horizontal to take up more land overall.

> ***NOTE:*** *Members of the public have expressed concerns that the proposed building height is too tall. Suggested reductions generally range between 35 and 50 feet, often based on the perception that buildings of this scale do not currently exist within the community and that they are not allowed under the existing ordinances. However, that is not factually true.*
>
> ***PROPOSED AMENDMENT:*** *A public comment noted their concern that due to the likely height of these buildings, additional accessories beyond the 70 foot would be unreasonable. Under the City's zoning ordinance, certain structural appurtenances are not included in the calculation of building height. To address this concern, the City proposes adding that there are no exceptions for structural appurtenances to this section.*

E.7. **Residential zoning district defined.** Section 94-153 (k)

The M-3 ordinance clarifies that references to "residential zoning" apply only to properties that are zoned residential and do not include agricultural zoning.

> ***NOTE:*** *Members of the public have expressed concerns that agricultural land is not subject to the same requirements as residentially zoned property, particularly with respect to buffering and setback standards. Agricultural properties within and adjacent to the City do not always contain residential uses and typically have greater natural separation due to the surrounding area. In addition, operational noise is a customary and expected component of agricultural activity.*
>
> *By contrast, residentially zoned properties do not necessarily benefit from the same physical buffer or parcels with large footprints, regardless of whether a residence is currently present. For this reason, additional protections were intentionally applied to residentially zoned land to minimize potential future impacts and preserve long-term compatibility.*
>
> *It is important to note, however, that throughout the ordinance, agricultural properties that include residential use are treated equivalently to residentially zoned properties for purposes of noise, buffering, and screening requirements, ensuring protection for individuals living on agriculturally zoned land.*
>
> *Based on this distinction and the purpose of the standards,* ***no amendments are planned for this section.***

E.8. **Setbacks, buffering, and screening requirements.** Section 94-153 (l)

Setback requirements must strike a balance between protecting adjacent properties and maintaining reasonable land use efficiency, avoiding excessive vacant areas that would increase land acquisition costs and supporting infrastructure efficiency. The setback distances proposed in the ordinance were developed primarily to address visual and noise impacts. Specifically, these distances are based on the viewing angle necessary to prevent the largest permitted building from being directly visible from public roadways.

PROPOSED AMENDMENT: *Members of the public expressed concerns regarding setback distances, with suggested requirements ranging from 200 to 1,500 feet, particularly where properties abut residential uses. These concerns were reviewed, and an additional amendment will be proposed to increase the setback to 200 feet where a data center property directly abuts a residentially zoned parcel and shares a common property line.*

This standard is based on objective guidance from recognized planning resources, including the Urban Land Institute, and is consistent with reasonableness and proportionality reflected in other City ordinances.

An additional amendment is also proposed to eliminate any reduction of this setback based on common ownership of adjacent parcels, ensuring consistent protection regardless of ownership structure, and to add more stringent access point screening language to ensure residential uses or zoned residential property is screened appropriately.

Screening requirements related to berms and landscaping were developed in consultation with a professional arborist. The plan is based on:

- Tree species most likely to thrive in local conditions and the restrictions related to the required berm within this district.
- A diverse mix of species to create a more natural landscape
- Risk reduction related to disease susceptibility and common life spans

NOTE: *Public feedback included questions about why all screening trees are not evergreen or planted at a uniform, immediate height. This approach was intentional, as reliance on a single tree type—particularly evergreens—increases vulnerability to disease and widespread loss, a condition the City has experienced in other areas.*

Tree sizes were selected to maximize long-term survival and effectiveness, rather than short-term visual screening alone. Based on expert guidance and best practices, ***no amendments are proposed to the screening and landscaping standards.***

Construction activities would be subject to requirements in various sections of existing City ordinances and in state law intended to minimize impacts on surrounding neighborhoods, including:

- On-site staging requirements for materials and equipment
- Compliance with existing ordinance standards related to noise, dust control, and hours of operation, which are clearly established elsewhere in the City's ordinances and prohibit construction during overnight hours and on Sundays
- In addition, any permits related to road access and stormwater management would impose requirements on impacts to roadways, water tables, and drainage during construction.

NOTE: *Members of the public have suggested additional restrictions on construction hours. While the City acknowledges and understands these concerns, other residents have also identified prolonged construction timelines as a significant impact. The City must therefore balance limiting construction to reasonable hours with avoiding unnecessary delays that could extend the overall duration of construction activity.*

The City's existing ordinances already address these concerns and have been tested through large-scale construction projects. For example, during the recent Steele School construction project, contractors requested a limited exemption from standard construction hours. In response, the City Council notified nearby residents and solicited public feedback before allowing the exemption, based on community input prioritizing a shorter overall construction period over stricter hourly limitations.

Based on this experience and the effectiveness of the current regulations, ***no amendments are planned for the construction site setup subsection.***

E.9. Utilities. Section 94-153 (o)

E.9.a. Standby generators. Section 94-153 (o)(2)

Standby generators are regulated under the ordinance to ensure they do not create ongoing nuisance conditions. Generator operation is strictly limited to emergency use and periodic testing, with clear restrictions on the frequency, duration, and timing of testing activities. Generators may never be used to provide routine or primary power under this proposed ordinance, a practice that has caused concerns in other communities.

To further mitigate impacts, generators must be located internally on the site, reducing noise exposure, and are subject to additional setback and buffering requirements to protect adjacent properties.

PROPOSED AMENDMENT: *Despite existing safeguards that limit emergency generators to infrequent operation, members of the public have raised concerns regarding particulate emissions from backup power systems. Tier 4 generator technology can reduce particulate matter and other harmful emissions by up to 99 percent compared to earlier emission tiers. However, under current state and federal regulations, emergency-use generators are exempt from Tier 4 requirements due to their limited operating hours.*

In response to these concerns, the City is evaluating an additional amendment that would require all on-site generators to be certified to Tier 4 emission standards, regardless of fuel type or classification as emergency equipment. This requirement would substantially reduce particulate emissions and address public health concerns, even during limited emergency operation, while providing a consistent and enforceable standard.

E.9.b. Water and sewer utilities. Section 94-153 (o)(3)

Under the proposed ordinance, all data center developments are required to enter into a utility agreement with the City. This agreement will address long-term operational obligations, including:

- Minimum utility payments
- Minimum taxable value
- System capacity protections
- Fully developer-funded water or sewer infrastructure improvements necessary to serve the development, ensuring that existing residents and ratepayers are not responsible for additional costs.
- Decommissioning responsibilities, where legally permissible

PROPOSED AMENDMENT: *Public concerns have been raised regarding potential impacts on the City's water and wastewater systems. Information addressing these concerns—and correcting misinformation—can be found in the water and wastewater sections of this FAQ. In addition, the City is reviewing the legality of proposed decommissioning requirements when the developer is required to pay and transfer the asset to the city. While decommissioning bonds are legally permitted in certain state-regulated industries—such as solar—or when negotiating incentives, their applicability to this land use must be carefully evaluated to ensure compliance with statutory and constitutional limits. This is under review, but would not be critical to include in the zoning ordinance, as the City Council could require it if legally allowed at the time of utilities agreement consideration. To that end, the City is evaluating an additional amendment that would remove the ordinance requirement for a decommissioning bond related to utilities*

Questions have also been raised regarding utility rates for data center users. Rates must be established in accordance with enterprise fund principles, reflect the actual cost of service, and be defensible to auditors. No class of user may subsidize another, as doing so would constitute an impermissible tax.

For these reasons, the City does not intend to require data center users to pay the same rates as residential customers. Due to their scale, unique demand, and infrastructure requirements, such users are likely to pay higher rates than other users for "ready to serve," subject to final cost-of-service evaluation. However, to confirm the protection for residential users, an additional amendment is proposed to clarify that development in this district will not be charged less than the residential rate.

In addition to the specific sections discussed above, there has been public discussion regarding on-site power generation and proposals to require users within this district to commit to generating a specified percentage of renewable energy on site. This option was evaluated and determined to be neither legally defensible nor preferable as a zoning requirement.

State law already requires the purchase of renewable energy as a condition of eligibility for applicable tax incentives. That requirement is based on overall electrical consumption rather than on-site generation. Requiring on-site generation for a large-scale facility would result in infrastructure demands that are not compatible with the City's planning goals.

For example, a 500-megawatt data center operating at full capacity would require approximately 50 megawatts of continuous power to meet a 10 percent renewable energy threshold. To generate that amount of energy on site would require, at a minimum based on average energy production:

- *Approximately 600,000 to 650,000 solar panels, assuming typical panel capacity and regional solar production rates; or*
- *Approximately 45 to 50 utility-scale wind turbines, depending on turbine size and average capacity factors.*

Even at half the energy demand, the infrastructure of this scale is neither contemplated nor encouraged in the City's Master Plan and would introduce land use impacts unrelated to the primary use being regulated. For these reasons, the City has chosen to rely on state-level renewable energy requirements and performance-based standards rather than mandating specific on-site energy generation technologies through the zoning ordinance, which would essentially result in exclusionary zoning. ***No amendment related to onsite renewable energy is proposed.***

E.10. Environment Regulations. Section 94-153 (q)

E.10.a. Noise. Section 94-153 (q)(2)

The noise standards were established based on the current zoning, standard municipal noise regulations, and a review of ordinances for similar uses. In general, the standard for this type of development is 65 dBA at the edge of the property, with separate considerations for generator use. Site development conditions—including vegetative buffers, building placement, generator operational testing limits (time and frequency), and equipment location—were specifically designed to minimize noise transfer to adjacent properties.

The ordinance also requires pre-development and post-development noise studies to measure actual impacts. If the pre-development noise level exceeds the 65 dBA standard, the post-development limit will be equal to the pre-development baseline since the developer is not responsible for reducing existing ambient noise, as in many areas of the City, including downtown, average approximately 60-65 dBA.

PROPOSED AMENDMENT: *Public feedback suggested lowering the maximum noise standard to various levels from 0–65 dBA for both operational use and generator use. After review, many of these levels are not feasible, as suburban environments naturally have higher ambient noise levels than rural areas, and the City's current ordinance allows 55 dBA during the day and 50 dBA at night for residential-adjacent properties with no restrictions on generator testing or emergency use. This is based on uses that typically do not operate at night or 24/7.*

The proposed ordinance already separates regular operations from generator testing. In response to public concerns, an additional amendment is being considered to limit the average noise level over any 24-hour period to 55 dBA at the property boundary shared with a residential use or residential district. This aligns the new district's operational noise standard with existing City requirements and provides consistent protection for adjacent residents.

E.10.b. Outdoor lighting. Section 94-153 (q)(3)

The proposed M-3 district includes enhanced restrictions on outdoor lighting beyond existing standards. In addition to the requirements applied in the M-2 district, the M-3 standards implement "dark sky" measures, including:

- Limiting the height of fixtures and overall light levels
- Requiring lights over 1,000 lumens to be fully shielded and directed downward
- Limiting correlated color temperature to 3,000 Kelvin
- Requiring motion-activated lights to shut off after five minutes

NOTE:** Public feedback raised concerns about the "glow" of the site and 24/7 lighting. The proposed standards balance neighbor impacts with operational needs, safety, and security requirements. Additional vegetative buffers and site design further help reduce lighting impacts on adjacent properties. Based on this evaluation and best practices,* ***no amendments are proposed to the lighting standards.

E.10.c. Vibration. Section 94-153 (q)(4)

Public comments have raised concerns regarding potential vibration impacts from facility operations. The proposed ordinance includes a requirement for pre- and post-development ground vibration testing and limits vibration to no more than the pre-development baseline.

***NOTE:** In addition to the specific sections discussed above, there has been public discussion regarding regular soil testing or testing of area properties. There is no authority by which the city or the developer can be required to perform such testing on private property and there is no evidence to believe there are concerns regarding ground contamination. EGLE would be the regulatory agency with authority to enforce those requirements if a violation occurred under state law.*

E.11. Development Agreement Section 94-153 (r)

Unlike other zoning districts, the proposed M-3 district requires a recorded development agreement. This agreement would document key project commitments, including investment levels, development timelines, infrastructure obligations, and operational standards. Recording the agreement ensures that these commitments remain enforceable even if the property is sold or ownership changes.

***NOTE:** Several public comments requested that the City require a decommissioning bond to guarantee demolition of the facility and restoration of the site to its original condition. The City is reviewing the legal authority and practical enforceability of such a requirement under Michigan law. While decommissioning bonds are legally permitted in certain state-regulated industries—such as solar—or when negotiating incentives, their applicability to this land use must be carefully evaluated to ensure compliance with statutory and constitutional limits. This is under review but would not be critical to include in the zoning ordinance, as the City Council could require it if legally appropriate allowed at the time of development agreement consideration.*

E.12. Other Items not included in M3, but noted in public comments

Certain topics raised during public discussion are governed by other sections of the City Code, state regulations, or separate approval processes and therefore are not specifically regulated within the M-3 zoning district.

E.12.a. Violations

Violations of the current M-2 and proposed M-3 district standards are addressed through existing enforcement provisions in the City Code. These provisions establish remedies for noncompliance, including corrective actions and penalties as appropriate.

> ***NOTE:*** *Public comments suggested increasing fines for this industry due to the likely scale of their assets and value. This approach is not legal, as code enforcement fines cannot be based on a company's or individual's ability to pay. Fines must instead be tied to the justification of potential impacts.*
>
> *However, in addition to standard code enforcement, compliance in the M-3 district is reinforced through enforceable terms in both the required utility agreement and the development agreement. These agreements provide remedies specific to operational performance, infrastructure obligations, and mitigation measures, allowing the City to address violations through multiple, complementary enforcement mechanisms.*

E.12.b. Public Safety and Fire Risk

All development within the M-3 district is required to comply with applicable building, fire, and safety codes. These codes are designed to reduce fire risk through standards for construction materials, fire suppression systems, access for emergency responders, and operational safety measures.

In practice, facilities of this type often include additional fire protection and safety systems beyond minimum code requirements due to the nature of their operations and the level of private investment involved. These protections are reviewed during the building permit and site plan approval processes to ensure public safety objectives are met. Review of any proposed site plan by the Police Chief and Fire Chief is part of the site plan review requirements under the current City zoning ordinance.

> ***NOTE:*** *Public comments suggested that the City require additional protections, such as providing equipment to the city, mandating enhanced fire protection beyond the building code, or requiring payments to the fire or police departments. The city has determined that none of these requirements would be legally defensible or ethically appropriate for an approving body to require donations. The building and fire codes provide the legally enforceable standard for fire safety, and there is no basis to require additional fire protection beyond these codes for developments in the M-3 district.*

E.12.c. Community Benefit Agreements

A community benefit agreement (CBA) is a legally binding contract negotiated between a developer and a group representing local community interests. CBAs are typically required by communities when providing incentives—such as tax abatements—to a project, and they allow the developer to gain community support, or at least avoid opposition. The benefits are tailored to local needs and may include job opportunities, workforce training, environmental protections, funding for community amenities, or neighborhood improvements.

CBAs differ from regular zoning approvals because they are contracts outlining specific commitments, rather than conditions imposed through a zoning ordinance. They can be private agreements between a developer and community groups, or part of a municipal process mandated by ordinance, often tied to the offering of certain incentives.

NOTE: *Public comments suggested requiring a CBA for this project, citing examples in other cities where CBAs were used in connection with tax incentives or lawsuit settlements. However, the City does not intend to provide any incentives for this project and is not negotiating a settlement of any lawsuit. There will be no local tax abatements or reduced utility rates to attract this user, they will pay the same as any other development. As a result, the City has no legal ability to require a community benefit agreement, and any CBA would be entirely at the discretion of the developer to gain local support.*

E.13. Additional sections added after FAQ 1.26.26 version

E.13.a. **Maximum Parcel Coverage** Section 94-153 (g)(3)

The maximum parcel coverage for all structures in the M-3 District is 60%. By comparison, the M-2 District permits a maximum lot coverage of 50%, along with limited setbacks and buffering, and additionally requires that a minimum of 10% of the lot be dedicated to vegetated open space (e.g., lawns, shrubs, tree plantings, and similar features). This required open space must be provided independent of required setbacks, buffers, and landscaping.

NOTE: *Public comments have suggested reducing the M-3 lot coverage to match the M-2 standard. However, these comments do not account for the substantially increased buffering, landscaping, and setback requirements imposed in the M-3 District, nor for the fact that the permitted uses in M-3 typically require significantly less parking than uses allowed in M-2.*

Under Mason's zoning ordinance, lot coverage is defined as "the part of a lot, expressed as a percentage, occupied by buildings or structures, including accessory buildings or structures, but excluding drives and uncovered surface parking areas." Because parking areas are excluded from lot coverage—and because M-2 districts generally include larger surface parking areas than the uses proposed for M-3—the higher lot coverage allowance in M-3 does not equate to greater overall site intensity and is balanced by the district's enhanced buffering and landscaping standards.

E.13.b. **Hazardous Materials** Section 94-153 (n)

The M-3 ordinance includes additional reporting requirements, operational statements, and setback standards related to the storage of hazardous materials.

NOTE: *Public comments have suggested that setback standards, reporting requirements, and emergency responder training related to hazardous materials should be further enhanced within the zoning ordinance. However, these comments do not account for the fact that hazardous materials are already subject to extensive regulation under SARA Title III (Emergency Planning and Community Right-to-Know Act). In Michigan, emergency planning and release reporting requirements are administered through the Michigan SARA Title III Program within the Department of Environment, Great Lakes, and Energy (EGLE), in coordination with Ingham County through the Ingham County Pollution Prevention (P2) Program.*

These regulatory frameworks establish detailed requirements for the proper storage, handling, reporting, and mitigation of hazardous materials to ensure public and environmental safety. As a result of these requirements, the City's Fire Department has access to the most current information on hazardous materials present within the community. When reporting thresholds are met based on the type and quantity of materials stored, facility-specific emergency management and response plans are required.

The Fire Department currently maintains multiple emergency response plans on file for existing hazardous materials within their service areas and provides appropriate training to our team based on the materials involved, including coordination with the regional hazardous materials response team when necessary. This information is also utilized for the City's Wellhead Protection Program to ensure the protection of public drinking water supplies.

E.13.c. Building Construction Section 94-153 (p)(1)

The general architectural standards are intended to address building materials and to avoid reflective façades that could create excessive glare. As a general practice, the City of Mason does not prescribe specific building materials or architectural styles.

NOTE: *Public comments have suggested limiting the size of structures, requiring interrupted façades, and prohibiting windowless façades facing public streets. However, these comments do not account for the substantially increased buffering, landscaping, and setback requirements imposed in the M-3 District. Those requirements are specifically designed to limit the visibility and exposure of buildings from public streets and adjacent properties.*

The types of architectural standards suggested are more commonly applied in pedestrian-oriented commercial districts, such as the downtown, where buildings are intended to directly engage the street. Applying those standards to the M-3 District would not be appropriate given the district's industrial context and its reliance on setbacks, buffering, and site design—rather than façade articulation—to manage visual impacts.

Resources: More Questions? Please contact our Customer Service Desk at 517.676.9155 or info@mason.mi.us.

Revised 1.30.26 (Admin)

Agenda Report: February 2, 2026 City Council Meeting

AGENDA ITEM (Mayor Whipple, Councilmember Vercher)
Ordinance 266: Second Reading and Adoption of Amended Ordinance 266 to Amend the City Code of the City of Mason by Adding Section 94-153 to Chapter 94 Zoning, Creating A New Technology Innovation (M-3) Zoning District, and Updating Various Sections within the Code to Allow for the New M-3 Zoning District

RECOMMENDED ACTION
Take up second reading and adoption of Ordinance 266 **deferred** from January 5, 2026 and consider amendments proposed in this AR.

PROJECT DETAILS
City Council approved the introduction and first reading of Ordinance 266 at its November 17, 2025, meeting. Following that meeting, there have been discussions with committees and the public, including two public open houses, multiple council meeting public comment events, and a request for written suggestions through an online portal. Public feedback led to consideration and approval by Council of an amended first reading of the ordinance at the December 1, 2025 meeting including numerous amendments. Seven additional amendments to the ordinance were adopted at the January 5, 2026 meeting.

The following 14 amendments to Ordinance 266 are offered in response to the most recent public input and further research by Mayor Whipple and Councilmember Vercher.

Request MOTION to amend Ordinance 266 to move, delete and insert language in various sections as highlighted below.

1. Amend Sec. 94-153(a) Intent and purpose and (b) Uses permitted by right. This amendment will add clarity to the intent and purpose as well as the uses permitted by right sections.

   (a) *Intent and purpose.* ~~The purpose of this district is to provide an environment where large scale high technology uses and functions such as engineering, design, research and development, and data processing and computer centers can be located. Advances in technology have created uses which are related to industrial and office uses, but due to the number and size of structures involved may not be appropriate or function adequately in other districts. These uses are more intensive than traditional office uses, but they are less intensive than traditional industrial uses. To encourage uses particular to this district, development must be attractive with buffering between properties adjacent to the district and designed in a manner that is consistent with the character of surrounding areas. The district is intended for areas which are primarily undeveloped and for uses with limited visits by the general public.~~

   (1) The purpose of this district is to provide an appropriate regulatory environment for large-scale, infrastructure-intensive technology uses, including engineering, design, research and development, and data processing and computer centers. These uses are characterized by continuous operations, significant utility demand, heightened security requirements, and limited visitation by the general public.

   (2) Advances in technology have created land uses that share certain characteristics with both office and industrial uses, but which, due to the number, scale, and operational requirements of associated structures and equipment, may not function adequately or compatibly within other zoning districts. While these uses are generally more intensive than traditional office uses, they are typically less

intensive than conventional industrial uses in terms of employee density, traffic generation, and routine public interaction.

(3) Development within this district shall be designed to ensure compatibility with surrounding land uses through appropriate site design, buffering, screening, and architectural standards, and is intended primarily for areas that are largely undeveloped and capable of accommodating such uses without adverse impacts to adjacent properties or community character.

(b) *Uses permitted by right.* Uses permitted by right in this district shall be limited to agricultural uses and to technology-focused uses whose primary function involves data processing, computational infrastructure, or technology research and development, and shall not include retail, goods distribution, or other high-traffic commercial uses.

2. Amend Sec. 94-153(e) Development standards. This amendment would add requirements for site plan submittal to include information regarding water, wastewater, electricity, environmental impact, and city utility capacity. It will also require a public hearing by the planning commission prior to preliminary site plan approval.

(e) *Development standards*. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c), however, when any of the general standards are in conflict with this section, the standards in this section shall supersede such general standards. In addition to the requirements of this chapter, an application for site plan review shall comply with the following.

(1) Include expected water use amount and identification of any expected contents of wastewater that could impact the city wastewater treatment process.

(2) Include expected electricity use and documentation of the commitment from the electricity provider that sufficient electricity supply is available to the site and that such supply will not impact other electricity users consistent with state law.

(3) Include an environmental impact statement detailing potential impacts to air quality, wildlife, and water resources, including cooling water and wastewater, surface water and groundwater. The statement shall include proposed mitigating actions to address potential impacts identified.

(4) No site plan shall be approved, nor shall any development agreement or utility agreement be executed, unless the City has determined, based on completed studies and submitted documentation, that sufficient city utility capacity exists under conservative, long-term operating assumptions. For purposes of this section, conservative, long-term operating assumptions may include full build-out demand, peak usage conditions, reasonable contingency factors, and the expected operational lifespan of required infrastructure.

(5) The planning commission shall hold a public hearing prior to approval of a preliminary site plan. Notice of a public hearing shall be pursuant to section 94-101.

3. Amend Sec. 94-153(f) Eligibility and Sec. 94-153(g)(1) Minimum parcel area. This amendment will reduce the minimum acreage to be eligible for M3 zoning to 50 acres (from 300 acres) and delete the minimum parcel area. The change to minimum acreage will expand the amount of eligible land. With the reduction in minimum acreage, subsection (g)(1) is deleted as there is no need for a minimum parcel size.

(f) *Eligibility*. In order for property to be zoned M3, it must be included within a rezoning application pertaining to a minimum of ~~three hundred (300)~~fifty (50) contiguous acres. Alternatively, a property will

be so eligible if its acreage plus the acreage of contiguous property that is already zoned M3 will equal at least ~~three hundred (300)~~fifty (50) acres. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.

(g) *Parcel dimensional requirements*.

~~(1) *Minimum Parcel Area.* The minimum parcel size within the district shall be fifty (50) acres. This requirement may also be satisfied by a combination of contiguous parcels under common ownership of a minimum combined size of fifty (50) acres.~~

4. Amend Sec. 94-153(h). This amendment removes the exception allowed in chapter 94 for structural appurtenances in relation to building height.

(h) *Building height.* The maximum building height shall be seventy (70) feet with no exception for structural appurtenances.

5. Amend Sec. 94-153(l)(2)(a), (b) and (c). This amendment will increase the setback from residentially used or zoned property to 200 feet as recommended by the report entitled "Local Guidelines for Data Center Development" published by the Urban Land Institute. Subsection (c) is deleted to ensure appropriate setback to residential property.

a. The minimum setback for buildings and structures shall be one hundred and fifty (150) feet from an adjacent public street right-of-way. A berm shall be placed in the setback area along the district boundary in compliance with this section.

b. The minimum setback for buildings and structures shall be two hundred (200) feet from a property boundary shared between this district and a property with a residential use or in a residential zoning district. A berm shall be placed in the setback area along the district boundary in compliance with this section.

~~c. The minimum setback requirement for structures and parking areas to adjacent property outside of this district with a residential use or in a residential zoning district shall be fifty (50) feet when said property is under common ownership of the subject property.~~

6. Amend Sec. 94-153(l)(2)(d)(4) Access point screening. This amendment more clearly describes the location of an access point subject to additional screening in relation to residential property.

4. *Access point screening.* Where a vehicular access point is ~~adjacent to~~located across the street from any portion of a parcel outside of this district with a residential use or in a residential zoning district, the combination of the access drive path design and a berm buffer in compliance with this section along the drive shall screen the view of structures and parking areas from the intersection of the drive and the street. This screening requirement shall be waived if either of the following conditions apply:

7. Amend Sec. 94-153(l)(3) Construction Site Setup and Sec. 94-153(l)(4) Non-street, non-residential setback and screening. This amendment will move subsection (3) Construction site setup without revision to subsection (7) to improve readability of the ordinance. This amendment will also renumber subsection (4) Non-street, non-residential setback and screening due to moving subsection (3) and clarify the reference to berm landscaping regulations.

~~(3) *Construction Site Setup.* During any phases of construction there shall be a minimum fifty (50) foot setback for parking areas, material laydown and storage tanks and a minimum one hundred (100) foot setback for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas shall be screened so that they are not visible from a public street or adjacent property outside of this district with a residential use or in a residential zoning district.~~

~~(4)~~(3) *Non-street, non-residential setback and screening.* The required minimum setback from, and screening along, district boundary lines that are not adjacent to a public street right-of-way or to property outside of this district with a residential use or in a residential zoning district shall comply with the following subsections.

(1) *Setback.* A minimum setback of fifty (50) feet for buildings, structures, service areas, loading areas, and parking areas.

(2) *Screening.* Multiple staggered rows of a mix of trees, locally native shrubs and natural grasses shall be planted along the boundary of the district within the setback area. The screen design shall satisfy the requirements of this section for berm landscaping~~, except that no berm is required, in section 94-153(l)(2)(d)(2)~~for species selection and placement, opacity and height above grade, minimum tree size, site plan submittal requirements, maintenance, and professional confirmation that the design will meet requirements, except that no berm is required.

(3) A natural grass mix requiring minimal mowing is to be seeded within the screen planting area.

(4) The owner shall provide for appropriate maintenance of the screen planting area and any required plantings.

~~(3)~~(7) *Construction site setup.* During any phases of construction there shall be a minimum fifty (50) foot setback for parking areas, material laydown and storage tanks and a minimum one hundred (100) foot setback for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas shall be screened so that they are not visible from a public street or adjacent property outside of this district with a residential use or in a residential zoning district.

8. Amend Sec. 94-153(l)(6). This amendment will delete subsection (6) which is no longer relevant due to other proposed changes to the ordinance.

~~(6) *Adjacent parcel outside district.* If an adjacent parcel outside of this district has a residential use or is in a residential zoning district and there is an intervening public street between the residential property and this district, the residential property shall be considered to be adjacent.~~

9. Amend Sec. 94-153(o)(2). Standby generators. This amendment requires all standby generators to be factory-certified to Tier 4 Final by the EPA. Tier 4 Final is the highest level of emissions standards for stationary diesel engines. It also accommodates more restrictive emissions regulations in the future and specifies that fuel must meet appropriate EPA standards.

(2) *Standby generators*.

a. Generators shall be operated only for the purpose of performing periodic testing and exercising as allowed under this section or for the purpose of supplying electricity during an emergency disruption

in supply from the normal electricity supplier. Under no circumstances shall any generator be operated for the purpose of supplying electricity for ongoing operations except during an emergency disruption in supply.

b. All diesel generators shall be factory-certified to meet, at minimum, the Tier 4 Final emissions regulations established by the Environmental Protection Agency (EPA) for non-road diesel engines. In the event regulations more stringent than Tier 4 Final are established by the EPA for non-road diesel engines, diesel generators shall be factory-certified to the more stringent regulations if commercially available at the time of purchase. At all times, diesel fuel used in diesel generators shall comply with EPA regulations for sulfur content required of the applicable emissions regulation.

10. Amend Sec. 94-153(o)(3) Water and sewer utilities. This amendment adds items to be addressed by the water and sanitary sewer utilities agreement and deletes the decommissioning bond which has been determined to be best dealt with through a utility agreement after legal review. It also requires that water/sewer rates will be no less than charged to city residential users and that a violation of the utilities agreement is both a contractual breach and violation of this ordinance.

(3) *Water and sewer utilities.*

a. All structures in the district used or designed for human occupancy shall connect to the city water supply system. All structures in the district in which sanitary sewer originates shall be connected to the city sanitary sewer system.

b. Each user of city water and sanitary sewer utilities in this district shall enter into a water and sanitary sewer utilities use agreement with the city. The use agreement shall ~~stipulate~~address, at minimum, the topics described in the following subsections.

1. ~~t~~The minimum required real taxable value.

2. ~~t~~The methodology for establishing the cost of utility services.

3. The requirements of the user to ensure there is no negative impact to the sustainable operation of the utilities.

4. The maximum allowable water usage.

5. The minimum monthly payment for water and sanitary sewer service.

6. The penalties for non-compliance with the agreement.

7. The minimum number of years the user commits to purchasing utility services.~~and the following:~~

8. T~~he use agreement shall require, t~~o the extent allowed by law, that the cost of any improvements to the city water and/or sanitary sewer systems necessary to serve the user shall be the responsibility of the property owner.

c. All charges for water and wastewater services provided to uses within this district shall be established pursuant to a city council approved rate study and shall not be less than the charges applicable to residential users.

d. Failure to comply with a water and sanitary sewer utilities use agreement shall constitute both a contractual breach and a violation of this section 94-153.

~~2. The use agreement shall require the user to post an appropriate bond or similar financial assurance sufficient to cover the full cost of decommissioning or removal of any elements of the water and/or sanitary sewer systems when such decommissioning or removal is deemed by the city to be necessary to maintain sustainable continued operation of the water and/or sanitary sewer systems upon termination of the use or substantial reduction in demand for services. The requirements of this subsection shall expire twenty (20) years from the date occupancy is approved.~~

11. Amend Sec. 94-153(q)(2). Noise. This amendment revises several items:

- Revise to measure noise levels as an average limit which takes into account differing impacts of noise during different times of the day.
- Clarify standards to be used in evaluating noise.
- Add a 55 dBA limit for adjacent property which is residentially used or zoned by adding subsection "b." and adjusting the identification of following subsections.
- Clarify that the noise standard for equipment testing and exercising also applies when equipment is operated due to an emergency power disruption.
- Fix typo errors.

(2) *Noise*. Subject to the requirements of this section, no noise shall be produced that is objectionable due to intermittence, beat frequency or shrillness.

a. Subject to allowances in this section, noise levels from routine operations shall not exceed an average noise level over a twenty-four (24) hour period of sixty-five (65) decibels (dBA) at an adjacent street right-of-way or the boundary of adjacent non-residentially used or zoned property outside of this district.

b. Subject to allowances in this section, noise levels from routine operations shall not exceed an average noise level over a twenty-four (24) hour period of fifty-five (55) decibels (dBA) at a property boundary shared between this district and a property outside of this district with a residential use or in a residential zoning district.

c. Average noise levels shall be calculated using A-weighted equivalent continuous sound level measurement methodology (LAeq) consistent with current accepted standards as approved by the city engineer.

d. *Periodic testing or exercising of equipment*. Noise levels up to eighty (80) decibels (dBA) at an adjacent street right-of-way or the boundary of adjacent property outside of this district are allowed only during ~~only~~ periodic testing or exercising of equipment or during an emergency disruption in supply from the normal electricity supplier. ~~Such t~~Testing or exercising shall not occur more often than once monthly for up to a total of fifteen (15) minutes with the exception that such testing shall be allowed for a duration of up to a total of sixty (60) minutes twice per year. If approved in advance by the city manager for each occurrence, the sixty (60) minute events may be allowed up to two (2) additional times per year. Any testing or exercising shall be allowed only between the hours of 9:00 a.m. and 4:00 p.m. on a weekday.

e. *Pre-development and post-development noise studies.* The site plan review applicant will be responsible for the cost of pre-development and post-development noise studies along each ~~an~~adjacent street right-of-way and boundary of adjacent property outside of this district to establish a pre-development noise baseline and to verify the post-development noise level emitted during routine operations. The pre-development and post-development noise studies shall include

evaluation of noise at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. Noise studies shall be performed and evaluated pursuant to current appropriate standards, metrics and methodologies ~~established by the International Organization of Standards (ISO)~~ as approved by the city engineer in advance. The city shall ~~select~~approve the noise study provider in advance. If pre-development noise levels along any right-of-way or property boundary exceed the maximum prescribed in subsection (a) above, the noise levels post-development along said right-of-way or boundary shall not exceed the levels measured in the pre-development noise study.

f. Ground mounted mechanical equipment, including blowers or generators, shall be enclosed in sound absorbing walls to the extent possible and designed to attenuate noise heard on adjacent properties outside of this district.

g. Ground mounted mechanical equipment, including blowers and generators, shall be located, as far as practical from an adjacent street right-of-way or the boundary of an adjacent property outside of this district and, to the extent possible, located within the interior of the building layout to minimize noise heard on surrounding properties.

h. The use of external loudspeakers is prohibited.

12. Amend Sec. 94-153(q)(4). Vibrations. This amendment clarifies the standards to be used in evaluating vibration.

(4) *Vibration.* Ground mounted mechanical equipment shall be mounted on a vibration dampening platform or other suitable device to decouple the equipment from transferring vibration to the ground. Pre-development and post-development studies of ground vibration along each adjacent street right-of-way and boundary of adjacent property outside of this district shall be conducted to establish a pre-development vibration baseline and to verify the post-development vibration level emitted during routine operations. Vibration studies shall be conducted by a provider selected by the city and the cost shall be the responsibility of the applicant. The pre-development and post-development vibration studies shall include evaluation of ground vibration at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. Vibration studies shall be performed and evaluated pursuant to current appropriate standards, metrics and methodologies ~~established by the International Organization of Standards (ISO)~~ as approved by the city engineer in advance. Post-development ground vibration levels shall not exceed pre-development levels.

13. Amend Sec. 94-153(r) Development agreement. This amendment allows for financial assurances to be included in the development agreement where legally permitted.

(r) *Development agreement.* The property owner shall enter into a development agreement with the city incorporating the requirements of the following subsections and record the same in the office of the county register of deeds. The development agreement shall be a binding covenant upon all future owners, operators, and tenants of the property and shall be executed and recorded prior to issuance of a building permit.

(1) The terms and conditions of final site plan approval.

(2) The terms and conditions of any water and sanitary sewer utilities use agreement.

(3) Nothing in this section shall preclude the city from requiring surety bonds or other financial assurances

where legally permitted.

14. Amend Sec. 94-153(s) Signs. This amendment establishes a maximum size for wall signs.

(s) *Signs.* Wall signs in this district shall be limited to a maximum size of eight hundred (800) square feet.

AUTHORIZATION

Per Section 7.4 of the City Charter, ordinances may be enacted, amended, or repealed by the affirmative vote of not less than four Councilmen.

VISION/ COMMUNITY PLANS

Master Plan 2023: Prioritizes tax base diversification while thoughtfully managing impacts such as traffic and preserving our small-town character. Under the "Investment" goal, the plan states that we must "consider long-term efficiency, resiliency, and the next generation's needs," specifically asking whether a project "diversifies Mason's tax base" or merely expands an already dominant sector. Advanced technology supports this objective by expanding Mason's industrial and high-tech footprint, reducing long-term reliance on residential and auto-related property taxes, and enhancing our economic resiliency—all while limiting long-term traffic impacts in our rural community.

RESOURCE PLANS

A development would have a considerable impact on revenue for the City and would assist in diversification of our tax base into other industries.

Budget Amendment Required: No

ATTACHMENTS

- Ordinance 266: Approved January 5, 2026 version, as amended, including tracked amendments proposed for this meeting.
- Ordinance 266: Clean including amendments proposed for this meeting.

Introduced/First Reading: November 17, 2025, Amended December 1, 2025, Amended January 5, 2026
Second Reading/ Adopted: _____
Publication: _____
Effective Date: _____

CITY OF MASON
ORDINANCE NO. 266

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF MASON BY ADDING SECTION 94-153 TO CHAPTER 94 ZONING CREATING A NEW TECHNOLOGY INNOVATION (M-3) ZONING DISTRICT, AND UPDATING VARIOUS SECTIONS WITHIN THE CODE TO ALLOW FOR THE NEW M-3 ZONING DISTRICT

THE CITY OF MASON ORDAINS

1. Section 26-92 of Chapter 26, Fire Prevention and Protection, Article III. Outdoor Fires, Division 1, Generally, shall be amended to read as follows:

Sec. 26-92. Exceptions.
The prohibition of section 26-91 shall not be construed to prohibit burning in the M-1, M-2 and M-3 zoning districts when such burning is in compliance with the standards of section 94-151, section 94-152, and section 94-153, , respectively; nor to occasional wood fires in designated stoves and grills in city parks; nor to fires of charcoal or non-ash-producing fuel when used for the exclusive preparation of food for human consumption; nor to non-ash-burning fuels being used not less than 15 feet from combustible materials when used in adequate fire-resistant metal containers for the heating of building materials or for the warmth of workers.

2. Section 58-127 of Chapter 58, Signs, Article III. Requirements and Restrictions shall be amended to read as follows:

Section 58-127. On-premise signs.
(d) Manufacturing (M-1, M-2, and M-3) zoning districts.
(1) *Window signs.* Window signs shall be permitted up to a size equivalent to 20 percent of the total window pane area.
(2) *Freestanding on-premise signs.*
a. Number. One freestanding on-premise sign shall be permitted per parcel. A second on-premise freestanding sign will be permitted if the subject parcel has frontage on more than one public street, provided there shall not be more than one sign on any single street.
b. Height. The overall height of any freestanding sign shall not exceed 20 feet above grade.
c. Area. The maximum allowable sign area shall not exceed the following:
1. For signs with an overall height of ten feet or less, 42 square feet in area.
2. For signs with an overall height exceeding ten feet, 24 square feet in area.
d. Multiple business signs. Two or more businesses located on the same parcel of land shall be permitted to share a single freestanding sign identifying those individual businesses, provided said sign does not exceed 52 square feet in sign area and ten feet in height above grade.
(3) *Wall signs.*

a. Number. One wall sign shall be permitted per ground level store. A second wall sign will be permitted if the subject tenant/owner is located in a ground level store front and has frontage on more than one public street, provided there shall not be more than one sign on any single street.
b. Area. Wall signs shall be permitted up to an aggregate size equivalent to one and one-half square feet of sign area for each one lineal foot of wall width.
c. Multi-tenant buildings.
    1. For ground level store fronts, the allowable sign area for each individual tenant sign will be determined based on the length of the outside wall that tenant unit occupies in accordance with the requirements of subsection (3)b.
    2. For tenants without store fronts, including all tenants not located on the ground floor, one sign per tenant shall be permitted not exceeding three square feet in sign area and located within 18 inches of the outside building entry door.

3. Section 58-129 of Chapter 58, Signs, Article III. Requirements and Restrictions shall be amended to read as follows:

Sec. 58-129. Off-premise signs.

Off-premise signs, including billboards, shall be permitted only in the C-2 General Commercial, M-1 Light Manufacturing, M-2 General Manufacturing and M-3 Technology Innovation zoning districts, and shall comply with the requirements listed in this section.

(1) Off-premise signs located within 900 feet of a limited access highway interchange shall comply with the following:
    a. Number. Not more than one off-premise sign shall be permitted on a single parcel, provided each off-premise sign shall be spaced a distance of 600 feet from another off-premise sign on the same side of a street or 300 feet from another off-premise sign on the opposite side of a street. Sign spacing shall be measured along a line parallel to the right-of-way of said street.
    b. Height and area. An off-premise sign and its structure shall not exceed an overall height of 25 feet. The sign area shall not exceed 300 square feet.
    c. Placement. An off-premise sign shall be setback at least 35 feet from a public or private road right-of-way and shall not be closer than 500 feet from the property line of a residentially zoned or used property.
(2) Off-premise signs located farther than 900 feet from a limited access highway interchange shall comply with the following:
    a. Number. Not more than one off-premise sign shall be permitted on a single parcel.
    b. Height and area. An off-premise sign and its structure shall not exceed an overall height of ten feet. The sign area shall not exceed 40 square feet.
    c. Placement. Setback standards shall be consistent with section 58-128(4).
(3) For the purposes of this section, distance to a highway interchange shall be measured by a straight line drawn from the nearest point of the interchange right-of-way of an on or off ramp to the farthest point of the sign.
(4) Illumination. Off-premise signs may be directly or indirectly illuminated. All indirectly illuminated signs shall be constructed, designed, installed and maintained so as to concentrate the illumination upon the sign surface. The light source shall not be visible beyond the property line of the site or from any public or private road right-of-way.
(5) Clear vision area. Off-premise signs shall comply with the clear vision area described in section 94-172(d)(3) in chapter 94 of this code and figure 100-103 in chapter 100 of this code.
(6) Nothing contained in this ordinance shall permit a sign or sign structure that is otherwise prohibited by the State Highway Advertising Act of 1972, 1972 PA 106, or shall require or cause the removal of lawfully erected signs or sign structures permitted under said act.

4. Chapter 94, Zoning, Table of Contents, shall be amended to read as follows:

Article IV. Zoning District Regulations

Sec. 94-121. General intent and purpose, permitted uses, and dimensional regulations.
Sec. 94-122. AG: Single-family agriculture district.
Sec. 94-123. RS-1, RS-2, RS-3: Single-family residential districts.
Sec. 94-124. R2F: Two-family residential district.
Sec. 94-125. RM: Multiple-family residential district.
Sec. 94-126. MH: Manufactured home park residential district.
Secs. 94-127—94-130. Reserved.
Sec. 94-131. O-1: General office district.
Sec. 94-132. O-2: Specialized office district.
Secs. 94-133—94-140. Reserved.
Sec. 94-141. C-1: Central business district.
Sec. 94-142. C-2: General commercial district.
Sec. 94-143. C-3: Local commercial district.
Secs. 94-144—94-150. Reserved.
Sec. 94-151. M-1: Light manufacturing district.
Sec. 94-152. M-2: General manufacturing district.
Secs. 94-153. M-3: Technology innovation district
Secs. 94-154—94-160. Reserved.
Sec. 94-161. PUD: Planned unit development district.

5. Section 94-61 of Chapter 94, Zoning, Article II. Zoning District Map and General Zoning Regulations, shall be amended to read as follows:

Sec. 94-61. Establishment of districts.

The following zoning districts are hereby established for the city:
AG district: Single-family agriculture district
RS-1 district: Low density single-family residential district
RS-2 district: Medium density single-family residential district
RS-3 district: High density single-family residential district
R2F district: Two-family residential district
RM district: Multiple-family residential district
MH district: Manufactured home park residential district
O-1 district: General office district
O-2 district: Specialized office district
C-1 district: Central business district
C-2 district: General commercial district
C-3 district: Local commercial district
M-1 district: Light manufacturing district
M-2 district: General manufacturing district
M-3 district: Technology innovation district
PUD district: Planned unit development district

6. Chapter 94, Zoning, Article IV Zoning District Regulations, shall be amended to add Section 94-153 M-3 Technology Innovation District as follows:

Sec. 94-153. M-3: Technology innovation district.

(a) *Intent and purpose*. ~~The purpose of this district is to provide an environment where large scale high technology uses and functions such as engineering, design, research and development, and data processing and computer centers can be located. Advances in technology have created uses which are related to industrial and office uses, but due to the number and size of structures involved may not be appropriate or function adequately in other districts. These uses are more intensive than traditional office uses, but they are less intensive than traditional industrial uses. To encourage uses particular to this district, development must be attractive with buffering between properties adjacent to the district and designed in a manner that is consistent with the character of surrounding areas. The district is intended for areas which are primarily undeveloped and for uses with limited visits by the general public.~~

(1) The purpose of this district is to provide an appropriate regulatory environment for large-scale, infrastructure-intensive technology uses, including engineering, design, research and development, and data processing and computer centers. These uses are characterized by continuous operations, significant utility demand, heightened security requirements, and limited visitation by the general public.

(2) Advances in technology have created land uses that share certain characteristics with both office and industrial uses, but which, due to the number, scale, and operational requirements of associated structures and equipment, may not function adequately or compatibly within other zoning districts. While these uses are generally more intensive than traditional office uses, they are typically less intensive than conventional industrial uses in terms of employee density, traffic generation, and routine public interaction.

~~(1)~~(3) Development within this district shall be designed to ensure compatibility with surrounding land uses through appropriate site design, buffering, screening, and architectural standards, and is intended primarily for areas that are largely undeveloped and capable of accommodating such uses without adverse impacts to adjacent properties or community character.

(b) *Uses permitted by right*. Uses permitted by right in this district shall be limited to agricultural uses and to technology-focused uses whose primary function involves data processing, computational infrastructure, or technology research and development, and shall not include retail, goods distribution, or other high-traffic commercial uses.

(1) Agriculture.

(2) Laboratories, offices and other facilities for basic and applied research, experimentation, testing, product design, technology development, consulting and business development.

(3) High technology service uses with the principal function of providing services including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services.

(4) Data processing and computer centers, commonly referred to as data centers, including service and maintenance of electronic data processing equipment.

(c) *Permitted accessory uses*.

(1) Accessory uses and structures as defined in this chapter.

(2) Solar panels that are ground-mounted, on structures or over paved parking areas.

(d) *Uses authorized by special use permit*. Any uses permitted in the M1 light manufacturing district and M2 general manufacturing district.

(e) *Development standards*. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c), however, when any of the general standards are in conflict with this section, the standards in this section shall supersede such general standards. In addition to the requirements of this chapter, an application for site plan review shall comply with the following.

(1) Include expected water use amount and identification of any expected contents of wastewater that could impact the city wastewater treatment process.

(2) Include expected electricity use and documentation of the commitment from the electricity provider that sufficient electricity supply is available to the site and that such supply will not impact other electricity users consistent with state law.

(3) Include an environmental impact statement detailing potential impacts to air quality, wildlife, and water resources, including cooling water and wastewater, surface water and groundwater. The statement shall include proposed mitigating actions to address potential impacts identified.

(4) No site plan shall be approved, nor shall any development agreement or utility agreement be executed, unless the City has determined, based on completed studies and submitted documentation, that sufficient city utility capacity exists under conservative, long-term operating assumptions. For purposes of this section, conservative, long-term operating assumptions may include full build-out demand, peak usage conditions, reasonable contingency factors, and the expected operational lifespan of required infrastructure.

~~(1)~~(5) The planning commission shall hold a public hearing prior to approval of a preliminary site plan. Notice of a public hearing shall be pursuant to section 94-101.

~~(e)~~(f) *Eligibility*. In order for property to be zoned M3, it must be included within a rezoning application pertaining to a minimum of ~~three hundred (300)~~ fifty (50) contiguous acres. Alternatively, a property will be so eligible if its acreage plus the acreage of contiguous property that is already zoned M3 will equal at least ~~three hundred (300)~~ fifty (50) acres. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.

~~(f)~~(g) *Parcel dimensional requirements*.

~~(1) *Minimum Parcel Area.* The minimum parcel size within the district shall be fifty (50) acres. This requirement may also be satisfied by a combination of contiguous parcels under common ownership of a minimum combined size of fifty (50) acres.~~

~~(2)~~(1) *Parcel Frontage.* All parcels shall abut a public street except where one of the following applies.

a. An adjacent parcel or parcels under common ownership with the subject parcel has frontage on a public street.

b. A legally binding perpetual vehicular access easement over an adjacent parcel or parcels with frontage on a public street that are not under common ownership with the subject parcel is placed on record with the county and provided to the city prior to preliminary site plan approval.

~~(3)~~(2) *Parcel width, depth.* All parcels shall have adequate width and depth to provide for setback distances as required by this chapter.

~~(4)~~(3) *Maximum Parcel Coverage.* The maximum parcel coverage by all structures shall be 60%.

~~(g)~~(h) *Building height.* The maximum building height shall be seventy (70) feet with no exception for structural appurtenances.

~~(h)~~(i) *Leisure Trails.* In lieu of sidewalks required under the city code, public leisure trails shall be constructed along the periphery of the district along public streets. The cost of installation and on-going maintenance of the leisure trail shall be the responsibility of the property owner.

(1) *Leisure trail construction.* Leisure trails shall be asphalt, constructed to city standards, and have a minimum width of eight (8) feet unless otherwise specified in the approved site plan.

(2) *Leisure trail location, route.* All leisure trails shall be located on the development property outside of the street right-of-way, except when the appropriate governing body approves location within the right-of-way. The route followed by a leisure trail is not required to be a straight line and shall be shown on the submitted site plan.

(3) *Leisure trail easement.* A public use easement shall be granted by the property owner to the city for the area encompassing a leisure trail located outside the street right-of-way completely encompassing the leisure trail from the street right-of-way to a line parallel to the right-of-way located no closer than one (1) foot from the edge of any portion of the trail.

~~(i)~~(j) *Public street right-of-way, easements.* The property owner shall dedicate property for right-of-way for public street construction and improvement to the city or county, as applicable, in compliance with relevant regulations as required by the approved site plan. The property owner shall grant easements to the city or county, as applicable, which are adjacent to the aforementioned rights-of-way to the minimum extent necessary, or as required by this section, to provide for access to, and the installation and maintenance of, street improvements, leisure trails, and/or utilities.

~~(j)~~(k) *Residential zoning district defined.* For the purposes of this section, the term "residential zoning district" shall refer only to those districts zoned specifically for residential uses and shall not include districts zoned for agricultural use.

~~(k)~~(l) *Setback, buffering, and screening requirements*.

(1) *Screening generally*. Whenever possible, trees, locally native woodland shrubs and other naturally occurring features shall be incorporated into a site plan. Given the possibility of natural features being relocated or removed, a greenway edge network shall be established along the periphery of the district. This greenway shall be located within the required setback area.

(2) *Street and residential setback, buffering and screening.* The following minimum setback, buffering, and screening requirements shall apply to any structures and parking areas in a development that is adjacent to a public street right-of-way or adjacent to property outside of this district with a residential use or in a residential zoning district.

a. The minimum setback for buildings and structures shall be one hundred and fifty (150) feet from an adjacent public street right-of-way. A berm shall be placed in the setback area along the district boundary in compliance with this section.

b. The minimum setback for buildings and structures shall be two hundred (200) feet from a property boundary shared between this district and a property with a residential use or in a residential zoning district. A berm shall be placed in the setback area along the district boundary in compliance with this section.

~~b.~~c. The minimum setback for parking areas shall be one hundred (100) feet.

~~c. The minimum setback requirement for structures and parking areas to adjacent property outside of this district with a residential use or in a residential zoning district shall be fifty (50) feet when said property is under common ownership of the subject property.~~

d. *Berm requirements.* A required berm shall be placed along the district boundary inside any required fence in compliance with the following.

1. *Berm height.* Berm height shall be a minimum of eight (8) feet and a maximum of ten (10) feet from the adjoining street grade at the edge of the pavement.

2. *Berm landscaping*. Any required berm shall include a landscape buffer on the berm top and side facing a public street or adjacent property. The landscape buffer shall consist of a mixture of trees, including deciduous and evergreen trees as appropriate, shrubs, and natural grasses with no more than thirty percent (30%) of any single tree or shrub species. Trees and shrubs shall be placed in a manner to mix species of different types and heights along the berm scattered over the top and side of the berm. A written statement from a certified arborist or landscape architect shall be provided with site plan submittal to confirm an expectation that the planting mass achieves an opacity at full foliage of eighty percent (80%) and reaches a height of fifteen (15) feet above the berm grade on the date that is four (4) years after planting and that plant spacing is appropriate to support a healthy screen at plant maturity.

i) *Allowed berm trees.* No species other than those included in the list below may be planted on a berm without written permission of the tree commission.

Allowed Berm Tree Species		
Deciduous Trees		**Evergreen Trees**
Black Gum	Maple, Red	Fir
Ginko (non-fruiting varieties)	Maple, Sugar	Japanese Yew
Greenspire Linden	Oak, Pin	Juniper, Upright
Hackberry	Oak, Red	Leland Cypress

Hop Hornbeam	Oak, Shingle	Red Cedar
Japanese Pagoda Tree	Oak, White	Red Pine
Katsura Tree	Sweet Gum	Spruce, Black Hills
London Plane Tree	Thornless Cocksper Hawthorn	Spruce, Norway
Maple, Crimson King	Thornless Locust	White Pine
Maple, Hedge	Zelkova	

ii) Minimum tree size at installation shall be no less than two and one half (2.5) inches in caliper for large deciduous trees, two (2) inches in caliper for ornamental deciduous trees, ten (10) feet in height for evergreen trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade. Tree and shrub height at the time of installation and as expected four (4) years after planting shall be noted in the site plan submission.

iii) A natural grass mix requiring minimal mowing is to be seeded on the entire surface of a berm.

iv) The owner shall provide for appropriate maintenance of a berm and any required plantings and landscaping.

3. *Berm construction*. Berms are to be constructed as required by the berm standards in section 94-241(g) of this code, however, when any of said berm standards are in conflict with this section, the standards in this section shall supersede those berm standards.

i) *Berm grading*. Berm grading may gradually undulate horizontally and vertically between the minimum and maximum heights required in this section.

ii) If minimum berm height requirements cannot be met around the entirety of the site, plantings that provide one hundred percent (100%) opacity at full foliage may be utilized to meet the screening requirements, however, this condition shall not exceed thirty percent (30%) of the required berm area.

iii) Breaks in, and/or tapering of, berms may occur at vehicular and pedestrian access points subject to the approved site plan.

4. *Access point screening.* Where a vehicular access point is ~~adjacent to~~located across the street from any portion of a parcel outside of this district with a residential use or in a residential zoning district, the combination of the access drive path design and a berm buffer in compliance with this section along the drive shall screen the view of structures and parking areas from the intersection of the drive and the street. This screening requirement shall be waived if either of the following conditions apply:

i) The parcel with a residential use or in a residential zoning district is under common ownership of the subject property.

ii) The owner(s) of the parcel(s) with a residential use or in a residential zoning district sign an affidavit agreeing to waive the requirements of subsection (4) above and said affidavit is filed with the city.

~~(3)(1) *Construction Site Setup.* During any phases of construction there shall be a minimum fifty (50) foot setback for parking areas, material laydown and storage tanks and a minimum one hundred (100) foot setback for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas shall be screened so that they are not visible from a public street or adjacent property outside of this district with a residential use or in a residential zoning district.~~

~~(4)~~(3) *Non-street, non-residential setback and screening.* The required minimum setback from, and screening along, district boundary lines that are not adjacent to a public street right-of-way or to property outside of this district with a residential use or in a residential zoning district shall comply with the following subsections.

a. *Setback.* A minimum setback of fifty (50) feet for buildings, structures, service areas, loading areas, and parking areas.

b. *Screening.* Multiple staggered rows of a mix of trees, locally native shrubs and natural grasses shall be planted along the boundary of the district within the setback area. The screen design shall satisfy the requirements of this section for berm landscaping~~, except that no berm is required, in section 94-153(l)(2)(d)(2)~~ for species selection and placement, opacity and height above grade, minimum tree size, site plan submittal requirements, maintenance, and professional confirmation that the design will meet requirements, except that no berm is required.

c. A natural grass mix requiring minimal mowing is to be seeded within the screen planting area.

d. The owner shall provide for appropriate maintenance of the screen planting area and any required plantings.

~~(5)~~(4) *Existing natural screening*. Where the overall height and opacity requirements noted above can be met by preserving and/or supplementing existing tree stands or forested areas, the berm and landscaping requirements of this section may be modified or waived by the approval authority.

~~(6) *Adjacent parcel outside district*. If an adjacent parcel outside of this district has a residential use or is in a residential zoning district and there is an intervening public street between the residential property and this district, the residential property shall be considered to be adjacent.~~

~~(7)~~(5) *Interior Setbacks.* There shall be a zero minimum building and parking area setback requirement from interior parcel lines within this district when the parcels on each side of a parcel line are under common ownership. When adjoining parcels are not under common ownership, the minimum setback requirements shall be fifty (50) feet for structures and twenty (20) feet for parking areas.

(6) *Phasing of buffering and screening.* Required berms and landscaping shall be installed prior to any above grade construction of a structure. This requirement shall not apply to temporary structures intended only for support of construction.

Construction Site Setup. During any phases of construction there shall be a minimum fifty (50) foot setback for parking areas, material laydown and storage tanks and a minimum one hundred (100) foot setback for trailers, structures, buildings, and related items necessary for the

construction of improvements. All construction site setup areas shall be screened so that they are not visible from a public street or adjacent property outside of this district with a residential use or in a residential zoning district.

~~(8)~~(7)

~~(l)~~(m) *Fencing.*

(1) *Exterior rail fence*. A four (4) rail fence shall be installed by the owner along the periphery of the district abutting a public street for the entire length of the frontage on the street, subject to required breaks for vehicular and pedestrian access. The fence shall be as straight as possible and located on the development property a minimum of two (2) feet from the easement for a leisure trail. The owner will be responsible for maintenance and repair of the fence. The fence shall be constructed as follows:

a. Fence shall be constructed of wood, vinyl or other suitable exterior grade material. All construction shall be in accordance with verifiable industry standards. A fence system around a district shall be of the same design and materials for the entirety of the district.

b. Fence height to the top of the top fence rail shall be fifty-four (54) inches from grade and uniform along the entire length of the fence within a tolerance of plus or minus one (1) inch. Variations in fence height shall be gradual.

c. The distance from the top of the top fence rail to the bottom of the bottom rail shall be forty-two (42) inches. Fence rails shall be evenly spaced.

d. All fasteners shall be of a material, and/or include a coating, specified for exterior use.

e. All visible elements of the fence shall be white in color and the color shall match substantially among all elements.

f. *Wood fence.*

1. Fence rails shall be one (1) inch by six (6) inch nominal dimension by sixteen (16) foot long treated rough sawn poplar. Fence rails shall be located on the street facing side and aligned with the top of the post.

2. Fence posts shall be six (6) inch by six (6) inch nominal dimension southern yellow pine wood posts treated for below ground installation of sufficient length to allow post sinking below the frost line and result in the required fence height. The top of each post shall be flush with the top of the top fence rail.

3. Posts shall be installed vertically on sixteen (16) foot centers except where a shorter fence section is required to terminate the fence at the required location.

4. Fence rail joint covers shall be one (1) inch by six (6) inch nominal dimension treated rough sawn poplar. The covers shall be forty-two (42) inches long and centered on each post. The covers shall be vertical and aligned with the top of the top fence rail and bottom of the bottom fence rail.

5. All exposed wood shall be appropriately primed and painted with exterior grade paint.

g. *Vinyl fence.*

1. Fence rails shall be one and a half (1.5) inches by five and a half (5.5) inches and of appropriate length for post spacing. Rails shall be securely anchored into posts.

2. Fence posts shall be five (5) inch by five (5) inch vinyl of sufficient length to allow post sinking below the frost line and result in the required fence height.

3. Posts shall be installed vertically on eight (8) foot centers at minimum except where a shorter fence section is required to terminate the fence at the required location.

4. Fence vinyl posts shall terminate two (2) inches above the top of the top rail prior to cap installation. Post caps shall be glued in place.

h. *Alternate fence material.*

1. An alternate material other than wood or vinyl may be used at the discretion of the site plan approval authority.

2. The site plan applicant shall provide sufficient information to allow the approval authority to determine if the alternate fence material will be sufficiently durable and allow for a fence design consistent with the requirements for wood or vinyl fence.

(2) *Interior fencing*. Any security fencing or other fencing shall be located behind a required perimeter berm. No fencing shall be installed on a required perimeter berm.

~~*(m)*~~*(n) Outdoor storage and hazardous materials.*

(1) *Outdoor Storage.* Outdoor storage of materials, equipment, and supplies shall be permitted. Outdoor storage areas for these items are not required to be screened if located to not be visible from a public street right-of-way or from ground level at a distance of two hundred (200) feet from any perimeter boundary line of a parcel that is not under common ownership. Otherwise, such outdoor storage areas shall be fully screened to a height of eight (8) feet. Outdoor storage areas, whether screened or unscreened, shall comply with minimum setback requirements in this section.

(2) *Hazardous Materials.* Due to the nature of the permitted uses in this district, hazardous waste and materials storage and processing is anticipated. When such storage and/or processing are desired:

a. The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for site plan review. This statement shall also provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that will be implemented upon the occurrence of an event that does, or has the potential to, damage the environment, persons, or property. This information shall be provided so that relevant city departments and public safety providers will have notice of the presence of these storage and processing operations.

b. All such storage and/or processing shall comply in all respects with local, state and federal law and regulations, and shall not be undertaken until such time as all necessary permits are received and copies of the same are provided to the city.

c. No such storage and/or processing shall occur within two hundred (200) feet of any perimeter boundary of a parcel that is not under common ownership,

d. If such storage or processing is undertaken outside of a structure, all exterior areas where these activities are occurring shall be surrounded by a masonry wall that is at least ten (10) feet in height, but only if the activities are wholly or partially visible from an adjacent public street right-of-way or adjacent property outside this district with a residential use or in a residential zoning district. Building facades may be used to meet this requirement. Any gates or doors shall include enhanced security features to ensure that unauthorized individuals cannot gain access to the area.

~~(n)~~(o) *Utilities*.

(1) *Electric utilities*. All new electrical utilities installed on the development site rated below sixty-nine (69) kV shall be underground. Electric utilities related directly to substation infrastructure, regardless of rating, are not required to be underground.

(2) *Standby generators*.~~–~~

a. Generators shall be operated only for the purpose of performing periodic testing and exercising as allowed under this section or for the purpose of supplying electricity during an emergency disruption in supply from the normal electricity supplier. Under no circumstances shall any generator be operated for the purpose of supplying electricity for ongoing operations except during an emergency disruption in supply.

~~a.~~b. All diesel generators shall be factory-certified to meet, at minimum, the Tier 4 Final emissions regulations established by the Environmental Protection Agency (EPA) for non-road diesel engines. In the event regulations more stringent than Tier 4 Final are established by the EPA for non-road diesel engines, diesel generators shall be factory-certified to the more stringent regulations if commercially available at the time of purchase. At all times, diesel fuel used in diesel generators shall comply with EPA regulations for sulfur content required of the applicable emissions regulation.

~~(2)~~(3) *Water and sewer utilities.*

a. All structures in the district used or designed for human occupancy shall connect to the city water supply system. All structures in the district in which sanitary sewer originates shall be connected to the city sanitary sewer system.

b. Each user of city water and sanitary sewer utilities in this district shall enter into a water and sanitary sewer utilities use agreement with the city. The use agreement shall ~~stipulate~~address, at minimum, the topics described in the following subsections.

1. ~~t~~The minimum required real taxable value.~~,~~

2. ~~t~~The methodology for establishing the cost of utility services.~~,~~

3. The requirements of the user to ensure there is no negative impact to the sustainable operation of the utilities.

4. ~~,~~The maximum allowable water usage.

5. ~~,~~The minimum monthly payment for water and sanitary sewer service.

6. The penalties for non-compliance with the agreement.

~~1.~~7. The minimum number of years the user commits to purchasing utility services~~, and the following:~~.

~~3. The use agreement shall require, t~~o the extent allowed by law, that the cost of any improvements to the city water and/or sanitary sewer systems necessary to serve the user shall be the responsibility of the property owner.

8.

c. All charges for water and wastewater services provided to uses within this district shall be established pursuant to a city council approved rate study and shall not be less than the charges applicable to residential users.

d. Failure to comply with a water and sanitary sewer utilities use agreement shall constitute both a contractual breach and a violation of this section 94-153.

~~0. The use agreement shall require the user to post an appropriate bond or similar financial assurance sufficient to cover the full cost of decommissioning or removal of any elements of the water and/or sanitary sewer systems when such decommissioning or removal is deemed by the city to be necessary to maintain sustainable continued operation of the water and/or sanitary sewer systems upon termination of the use or substantial reduction in demand for services. The requirements of this subsection shall expire twenty (20) years from the date occupancy is approved.~~

(p) General architectural standards.

(1) *Building construction.* Traditional materials including wood, stone, brick, concrete, aluminum, metal, glass, stucco, or cementitious fiberboard shall be used for exterior construction of all buildings. The use of reflective or mirrored glass on a building facade, or advanced fabric structures or similar type structures, shall be prohibited. Mirrored glass may be used for windows and entrance door areas.

(2) *Roof-Mounted Equipment.* Complete screening of all roof-mounted equipment shall be required on all four (4) sides with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. Solar energy systems shall be excluded from the requirements of this section to the extent the requirements prevent or limit functionality and/or accessibility to direct sunlight.

(3) *Loading docks.* Loading docks shall have the same degree of finish as a main entry unless the dock is not visible from a public right-of-way or adjacent property outside of this district with a residential use or in a residential zoning district.

(4) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of any building visible from a public right-of-way.

(q) *Environmental regulations.*

(1) Any use of land or structures in this district shall comply with the environmental regulations of section 94-177 of this code however, when any of the environmental regulations are in conflict with this section, the standards in this section shall supersede such environmental regulations.

(2) *Noise*. Subject to the requirements of this section, no noise shall be produced that is objectionable due to intermittence, beat frequency or shrillness.

a. Subject to allowances in this section, noise levels from routine operations shall not exceed an average noise level over any twenty-four (24) hour period of sixty-five (65) decibels (dBA) at an adjacent street right-of-way or the boundary of adjacent non-residentially used or zoned property outside of this district.

b. Subject to allowances in this section, noise levels from routine operations shall not exceed an average noise level over any twenty-four (24) hour period of fifty-five (55) decibels (dBA) at a property boundary shared between this district and a property outside of this district with a residential use or in a residential zoning district.

c. Average noise levels shall be calculated using A-weighted equivalent continuous sound level measurement methodology (LAeq) consistent with current accepted standards as approved by the city engineer.

~~b.~~d. *Periodic testing or exercising of equipment*. Noise levels up to eighty (80) decibels (dBA) at an adjacent street right-of-way or the boundary of adjacent property outside of this district are allowed only during ~~only~~ periodic testing or exercising of equipment or during an emergency disruption in supply from the normal electricity supplier. ~~Such t~~Testing or exercising shall not occur more often than once monthly for up to a total of fifteen (15) minutes with the exception that such testing shall be allowed for a duration of up to a total of sixty (60) minutes twice per year. If approved in advance by the city manager for each occurrence, the sixty (60) minute events may be allowed up to two (2) additional times per year. Any testing or exercising shall be allowed only between the hours of 9:00 a.m. and 4:00 p.m. on a weekday.

~~c.~~e. *Pre-development and post-development noise studies.* The site plan review applicant will be responsible for the cost of pre-development and post-development noise studies along each ~~an~~ adjacent street right-of-way and boundary of adjacent property outside of this district to establish a pre-development noise baseline and to verify the post-development noise level emitted during routine operations. The pre-development and post-development noise studies shall include evaluation of noise at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. Noise studies shall be performed and evaluated pursuant to current appropriate standards, metrics and methodologies ~~established by the International Organization of Standards (ISO)~~ as approved by the city engineer in advance. The city shall ~~select~~ approve the noise study provider in advance. If pre-development noise levels along any right-of-way or property boundary exceed the maximum prescribed in subsections (a) or (b) above, the noise levels post-development along said right-of-way or boundary shall not exceed the levels measured in the pre-development noise study.

~~d.~~f. Ground mounted mechanical equipment, including blowers or generators, shall be enclosed in sound absorbing walls to the extent possible and designed to attenuate noise heard on adjacent properties outside of this district.

~~e.~~g. Ground mounted mechanical equipment, including blowers and generators, shall be located, as far as practical from an adjacent street right-of-way or the boundary of an adjacent property outside of this district and, to the extent possible, located within the interior of the building layout to minimize noise heard on surrounding properties.

~~f.~~h. The use of external loudspeakers is prohibited.

(3) Outdoor lighting.

a. No lighting fixture shall be placed more than twenty-four (24) feet above the ground.

b. No lighting shall exceed twenty-five percent (25%) more than the light level recommended by the most recently published applicable ANSI/IES Lighting Standard at the time of installation.

c. All luminaires emitting more than 1,000 lumens shall be fully shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.

d. No luminaires shall exceed a correlated color temperature of 3000 K.

e. Luminaires activated by motion detection shall automatically turn off or return to the dimmed state no more than five (5) minutes after activity is no longer detected.

f. Any of the lighting requirements of this section may be waived if compliance with the requirement would result in violation of applicable state or federal law or it is demonstrated that waiver of the requirement is necessary for security or public safety purposes. A waiver shall be issued at the discretion of the zoning official.

(4) *Vibration.* Ground mounted mechanical equipment shall be mounted on a vibration dampening platform or other suitable device to decouple the equipment from transferring vibration to the ground. Pre-development and post-development studies of ground vibration along each adjacent street right-of-way and boundary of adjacent property outside of this district shall be conducted to establish a pre-development vibration baseline and to verify the post-development vibration level emitted during routine operations. Vibration studies shall be conducted by a provider selected by the city and the cost shall be the responsibility of the applicant. The pre-development and post-development vibration studies shall include evaluation of ground vibration at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. Vibration studies shall be performed and evaluated pursuant to current appropriate standards, metrics and methodologies ~~established by the International Organization of Standards (ISO)~~ as approved by the city engineer in advance. Post-development ground vibration levels shall not exceed pre-development levels.

(r) *Development agreement.* The property owner shall enter into a development agreement with the city incorporating the requirements of the following subsections and record the same in the office of the county register of deeds. The development agreement shall be a binding covenant upon all future owners, operators, and tenants of the property and shall be executed and recorded prior to issuance of a building permit.

(1) The terms and conditions of final site plan approval.

(2) The terms and conditions of any water and sanitary sewer utilities use agreement.

~~(2)~~(3) Nothing in this section shall preclude the city from requiring surety bonds or other financial assurances where legally permitted.

(s) *Signs.* Wall signs in this district shall be limited to a maximum size of eight hundred (800) square feet.

~~(s)~~(t) *Violations.* Any violation of a provision of this section 94-153 shall be designated as a civil infraction.

7. Section 94-173 of Chapter 94, Zoning, Article V. Supplemental Regulations, shall be amended as

follows:

Sec. 94-173. Supplemental use regulations.

(d) *Wireless telecommunications towers and antennas……*

(13)*Uses permitted by special use permit*. No wireless communications facilities other than those permitted by administrative review by subsection 94-173(d)(12) of this chapter shall be permitted except subject to the granting of a special use permit after review and approval by the planning commission pursuant to article VI of this chapter, subject to the general standards applicable to a special use permit as set forth at subsection 94-191(f), the goals set forth at subsection 94-191(a), and the following additional standards:

a. Location criteria.

1. Facilities shall be sited to minimize views to the extent reasonably possible from residential areas or the public right-of-way.
2. Support structures will be located in all geographic districts to minimize their view from neighboring properties and public rights-of-way.
3. Mounted wireless communication facilities are permitted in all districts except single-family and two-family districts, except that roof-mounted antennas are not permitted in any residential district.
4. Monopoles and similar support structures are permitted as a principle or accessory use only in the M-2 general manufacturing district, the M-3 technology innovation district, and those portions of the M-1 light manufacturing district, and those commercial districts lying south of a line created by Kipp Road extended and north and west of lines created by North Street and Buhl Street extended.
5. Monopoles not to exceed 150 feet in height are also permitted in the C-1 central business district by special use permit, provided the structure is located on publicly-owned property and is constructed and maintained for joint use by three or more users, at least one of which shall be a local or state governmental agency operating communication facilities for public safety services as defined under the Homeland Security Act.
6. Monopoles and similar support structures are prohibited in parks, school grounds or other areas heavily trafficked by children.
7. Lattice or guyed towers or antennas or similar structures are prohibited in all districts.

8. Section 94-222 of Chapter 94, Zoning, Article VII. Site Plan Review and Landscape Standards shall be amended as follows:

Sec. 94-222. Uses subject to site plan review.

The uses of land and structures listed in this section shall receive final site plan review and approval in accordance with this article prior to the granting of a building permit or a certificate of occupancy.

(1) Uses in the O-1, O-2, C-1, C-2, C-3, M-1, M-2, and M-3 zoning districts.
(2) Uses in the planned unit development district.
(3) Multiple-family dwelling uses.
(4) Uses permitted by special use permit.
(5) Platted subdivisions (refer to chapter 74).
(6) Site condominium developments.
(7) Public and governmental facilities.
(8) Off-premise signs.
(9) Grading and filling in any district which alters the flow of surface water to or from the property.

9. Section 94-225 of Chapter 94, Zoning, Article VII. Site Plan Review and Landscape Standards shall be amended as follows:

Sec. 94-225. Preliminary site plan review and approval.

(a) *Intent, purpose, consideration concurrent with final site plan.* All uses of land and structures which are subject to the requirements of this article shall receive preliminary site plan review and approval prior to the submission of a final site plan unless the zoning official determines that concurrent preliminary and final site plan review and approval will promote the general welfare of the city. The standards for both preliminary and final site plan review and approval in this article shall be applied when concurrent consideration is allowed. The planning commission may require separate preliminary and final site plan review and approval for any plan subject to consideration by the commission.

(b) *Preliminary site plan application.* The owner or designated agent shall file an application requesting preliminary site plan review and approval with the zoning official. The application shall be accompanied by the information required in this section and be accompanied by the appropriate fees as established by resolution of the city.

(c) *Preliminary site plan application requirements.* All applications for preliminary site plan review and approval shall comply with the basic required submittal standards of subsection 94-225(d)(1) of this chapter. The additional required submittal standards of subsection 94-225(d)(2) of this chapter shall be satisfied by any application for preliminary site plan review and approval involving the following uses of land or structures.

(1) Planned unit development.
(2) Planned residential development.
(3) Site condominium development.
(4) Public and government facility.
(5) Any use in the M-1, M-2, or M-3 zones.
(6) Hotel or motel.
(7) Multiple-family with 12 or more units.
(8) Community commercial center.
(9) Any use involving one or more structures that occupy, either individually or collectively, more than 15,000 square feet of gross floor area.
(10) Other uses as determined by the designated site plan approval body, except that for such other uses, at the sole discretion of the designated site plan approval body, specific requirements of subsection 94-225(d)(2) of this chapter may be waived.

10. Section 94-292 of Chapter 94, Zoning, Article IX. Off-Street Parking and Loading Regulations shall be amended as follows:

Sec. 94-292. General off-street parking and loading requirements.

(h) Location of parking areas. All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the following exceptions:

(1) Uses in the C-1 district. There shall be no off-street parking space requirements in the C-1 district for those uses which require 20 or less off-street parking spaces. Uses requiring more than 20 off-street parking spaces shall have their parking requirement determined by the planning commission. In making such a decision, the planning commission shall consider the availability of both public and private parking spaces.
(2) Uses in C-2 and C-3 districts. Parking on the premises or within 400 feet.
(3) Uses in M-1, M-2, and M-3 districts. Parking on the premises or within 800 feet.

11. Table 100-1. Lot Dimension Regulations of Chapter 100 Reference Tables and Figures shall be amended as follows:

TABLE 100-1. Lot Dimensional Regulations.

Refer to footnotes listed after table 100-2 of this chapter.

Zoning District and Ordinance Section	Minimum Lot Size (sq. feet)	Minimum Lot Width (feet)	Minimum Lot Area Per Principal Structure (sq. feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum % of Lot Coverage by all Structures
AG Sec. 94-122	30,000	225	30,000	30	15	40	15
RS-1 Sec. 94-123	12,000	90	12,000	30	15	40	30
RS-2 Sec. 94-123	9,600	75	9,600	25	10	35	30
RS-3 Sec. 94-123	8,500	65	8,500	25	(1)	35	35
R2F Sec. 94-124	8,500	65	8,500	25	(1)	35	35
RM Sec. 94-125	8,500	65	8,500(2)	25	15	35	35
MH Sec. 94-126	20 acres	-	5,500(10)	15	10	15	35
O-1 Sec. 94-131	8,500	60	-	25	10(3)	35	35
O-2 Sec. 94-132	12,000	90	-	60(11)	15	40	30
C-1 Sec. 94-141	-	20	-	-	-	-	-
C-2 Sec. 94-142	20,000	100	-	50(11)	10(3)	10(3)	50
C-3 Sec. 94-143	20,000	100	-	50(11)	10(3)	10(3)	50
M—1 Sec. 94-151	60,000(13)	200(13)	-	50(11)	10(3)	20	50(12)
M—2 Sec. 94-152	60,000(13)	200(13)	-	60(11)	20	20	50(12)
M—3 Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153
PUD Sec. 94-161	-	-	-	-	-	-	-

12. Table 100-2. Building Dimensional Regulations of Chapter 100 Reference Tables and Figures shall be amended as follows:

TABLE 100-2. Building Dimensional Regulations.
Refer to footnotes listed after this table.

Zoning District and Ordinance Section	Maximum Height Principal Structure (feet)	Maximum Height Accessory Structure (feet)	Minimum Floor Area Per Dwelling Unit (sq. feet)	Minimum Width Principal Structure (feet)	Minimum Internal Height Principal Structure (feet)
AG Sec. 94-122	35(4)	25(5)	1,200(6)	24	7.5
RS-1 Sec. 94-123	35	25(5)	1,200(6)	24	7.5
RS-2 Sec. 94-123	35	25(5)	1,000(6)	24	7.5
RS-3 Sec. 94-123	35	25(5)	800(6)	24	7.5
R2F Sec. 94-124	35	25(5)	800(6), (7)	24	7.5
RM Sec. 94-125	35	15	(7)	-	-
MH Sec. 94-126	-	15	-	-	-
O-1 Sec. 94-131	45	15	-	-	-
O-2 Sec. 94-132	15	15	-	-	-
C-1 Sec. 94-141	45(14)	15	-	-	-
C-2 Sec. 94-142	45	15	-	-	-
C-3 Sec. 94-143	45	15	-	-	-
M-1 Sec. 94-151	40(8)	40	-	-	-
M-2 Sec. 94-152	45(8)	45	-	-	-
M-3 Sec. 94-153	See Sec. 94-153	45	-	-	-
PUD Sec. 94-161	35	(9)	(7)	-	-

13. Table 100-4. Landscape Buffer Classification Matrix of Chapter 100 Reference Tables and Figures shall be amended as follows:

Table 100-4. Landscape Buffer Classification Matrix.

Subject Property Zoning	AG	RS (all)	R2F	RM	MH	O-1	O-2	C-1	C-2	C-3	M-1	M-2	PUD
AG	na	na	na	na	na	na	na	na	na	na	na	na	na
RS (all)	na	na	na	na	na	na	na	na	na	na	na	na	na
R2F	na	na	na	na	na	na	na	na	na	na	na	na	na
RM	B	B	B	A	B	B	B	B	B	B	B	B	B
MH	C	C	C	C	A	C	C	C	C	C	C	C	C
O-1	B	B	B	B	B	A	A	A	A	A	A	A	B
O-2	B	B	B	B	B	A	A	A	A	A	A	A	B
C-1	na	na	na	na	na	na	na	na	na	na	na	na	na
C-2	B	B	B	B	B	A	A	A	A	A	A	A	B
C-3	B	B	B	B	B	A	A	A	A	A	A	A	B
M-1	D	D	D	D	D	C	C	C	C	C	B	B	C
M-2	D	D	D	D	D	C	C	C	C	C	B	B	C
M-3 (see sec. 94-153)	-	-	-	-	-	-	-	-	-	-	-	-	-
PUD	B	B	B	B	B	B	B	B	B	B	B	B	B

14. Table 100-5. Parking Space Requirements of Chapter 100 Reference Tables and Figures shall be amended as follows:

Table 100-5. Parking Space Requirements.

Land Use	Required Parking Spaces
Single Family Dwelling	2 per dwelling unit
Two-Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Multiple Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Rooming house	2 per dwelling unit, plus 1 per rooming unit
Hotel, Motel	1 per bedroom
Convalescent Home	0.33 per bed
Hospital	0.33 per bed
Medical Clinic	2 per treatment room
Auditorium, Church, Stadium	0.33 per seat based upon total seating capacity
Elementary and Middle Schools	0.33 per seat based upon total seating capacity of auditorium or gym, whichever is largest
High School and College	1 per 100 sq. ft. UFA
Library, Museum, Post Office	1 per 100 sq. ft. UFA
Golf course	4 per golf hole
Tennis club	4 per court
Dance Hall, Pool Hall, Video Arcade, Lodge, Private Club	1 per 100 sq. ft. UFA in main meeting room or club room
Bowling Alley	5 per bowling lane
Professional Offices, Banks	1 per 200 sq. ft. UFA
Doctor, Dentist, other medical office	1 per 100 sq. ft. of waiting area, plus 1 per exam room or dentist chair
General Offices	1 per 200 sq. ft. UFA
General Retail, General Services, Super Markets, Food Stores	1 per 150 sq. ft. UFA
Barber Shop. Hair Salon	2 per barber chair
Automobile Service Station	2 per service stall
Drive-in Restaurant	6 per 100 sq. ft. UFA
Restaurant, Tavern	1 per 50 sq. ft. UFA
Funeral Home, Mortuary	4 per 100 sq. ft. UFA
Industrial, Warehouse, Wholesale	0.33 per 100 sq. ft. UFA
Self-serve Laundry	1 per 2 washing machines
Auto Repair, Auto Collision Repair	1 per 200 sq. ft. UFA
Day Care Facilities	1 per 10 children
Foster Care Facilities	1 per 3 residents
Data Center	1 per employee (maximum employee shift)

Effective Date. This ordinance shall become effective 20 days after adoption and upon publication.

****

The foregoing Ordinance was moved for adoption by Council Member _____ and supported by Council Member _____, with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the _____ day of _____, 2026. Ordinance No. 266 declared adopted this _____ day of _____, 2026.

_____
Russell W. Whipple, Mayor

_____
Sarah J. Jarvis, City Clerk
City of Mason, County of Ingham, State of Michigan

Introduced/First Reading: November 17, 2025, Amended December 1, 2025, Amended January 5, 2026
Second Reading/ Adopted: _____
Publication: _____
Effective Date: _____

CITY OF MASON
ORDINANCE NO. 266

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF MASON BY ADDING SECTION 94-153 TO CHAPTER 94 ZONING CREATING A NEW TECHNOLOGY INNOVATION (M-3) ZONING DISTRICT, AND UPDATING VARIOUS SECTIONS WITHIN THE CODE TO ALLOW FOR THE NEW M-3 ZONING DISTRICT

THE CITY OF MASON ORDAINS

1. Section 26-92 of Chapter 26, Fire Prevention and Protection, Article III. Outdoor Fires, Division 1, Generally, shall be amended to read as follows:

Sec. 26-92. Exceptions.
The prohibition of section 26-91 shall not be construed to prohibit burning in the M-1, M-2 and M-3 zoning districts when such burning is in compliance with the standards of section 94-151, section 94-152, and section 94-153, , respectively; nor to occasional wood fires in designated stoves and grills in city parks; nor to fires of charcoal or non-ash-producing fuel when used for the exclusive preparation of food for human consumption; nor to non-ash-burning fuels being used not less than 15 feet from combustible materials when used in adequate fire-resistant metal containers for the heating of building materials or for the warmth of workers.

2. Section 58-127 of Chapter 58, Signs, Article III. Requirements and Restrictions shall be amended to read as follows:

Section 58-127. On-premise signs.
(d) Manufacturing (M-1, M-2, and M-3) zoning districts.
(1) *Window signs.* Window signs shall be permitted up to a size equivalent to 20 percent of the total window pane area.
(2) *Freestanding on-premise signs.*
a. Number. One freestanding on-premise sign shall be permitted per parcel. A second on-premise freestanding sign will be permitted if the subject parcel has frontage on more than one public street, provided there shall not be more than one sign on any single street.
b. Height. The overall height of any freestanding sign shall not exceed 20 feet above grade.
c. Area. The maximum allowable sign area shall not exceed the following:
1. For signs with an overall height of ten feet or less, 42 square feet in area.
2. For signs with an overall height exceeding ten feet, 24 square feet in area.
d. Multiple business signs. Two or more businesses located on the same parcel of land shall be permitted to share a single freestanding sign identifying those individual businesses, provided said sign does not exceed 52 square feet in sign area and ten feet in height above grade.
(3) *Wall signs.*

a. Number. One wall sign shall be permitted per ground level store. A second wall sign will be permitted if the subject tenant/owner is located in a ground level store front and has frontage on more than one public street, provided there shall not be more than one sign on any single street.
b. Area. Wall signs shall be permitted up to an aggregate size equivalent to one and one-half square feet of sign area for each one lineal foot of wall width.
c. Multi-tenant buildings.
    1. For ground level store fronts, the allowable sign area for each individual tenant sign will be determined based on the length of the outside wall that tenant unit occupies in accordance with the requirements of subsection (3)b.
    2. For tenants without store fronts, including all tenants not located on the ground floor, one sign per tenant shall be permitted not exceeding three square feet in sign area and located within 18 inches of the outside building entry door.

3. Section 58-129 of Chapter 58, Signs, Article III. Requirements and Restrictions shall be amended to read as follows:

Sec. 58-129. Off-premise signs.

Off-premise signs, including billboards, shall be permitted only in the C-2 General Commercial, M-1 Light Manufacturing, M-2 General Manufacturing and M-3 Technology Innovation zoning districts, and shall comply with the requirements listed in this section.

(1) Off-premise signs located within 900 feet of a limited access highway interchange shall comply with the following:
    a. Number. Not more than one off-premise sign shall be permitted on a single parcel, provided each off-premise sign shall be spaced a distance of 600 feet from another off-premise sign on the same side of a street or 300 feet from another off-premise sign on the opposite side of a street. Sign spacing shall be measured along a line parallel to the right-of-way of said street.
    b. Height and area. An off-premise sign and its structure shall not exceed an overall height of 25 feet. The sign area shall not exceed 300 square feet.
    c. Placement. An off-premise sign shall be setback at least 35 feet from a public or private road right-of-way and shall not be closer than 500 feet from the property line of a residentially zoned or used property.
(2) Off-premise signs located farther than 900 feet from a limited access highway interchange shall comply with the following:
    a. Number. Not more than one off-premise sign shall be permitted on a single parcel.
    b. Height and area. An off-premise sign and its structure shall not exceed an overall height of ten feet. The sign area shall not exceed 40 square feet.
    c. Placement. Setback standards shall be consistent with section 58-128(4).
(3) For the purposes of this section, distance to a highway interchange shall be measured by a straight line drawn from the nearest point of the interchange right-of-way of an on or off ramp to the farthest point of the sign.
(4) Illumination. Off-premise signs may be directly or indirectly illuminated. All indirectly illuminated signs shall be constructed, designed, installed and maintained so as to concentrate the illumination upon the sign surface. The light source shall not be visible beyond the property line of the site or from any public or private road right-of-way.
(5) Clear vision area. Off-premise signs shall comply with the clear vision area described in section 94-172(d)(3) in chapter 94 of this code and figure 100-103 in chapter 100 of this code.
(6) Nothing contained in this ordinance shall permit a sign or sign structure that is otherwise prohibited by the State Highway Advertising Act of 1972, 1972 PA 106, or shall require or cause the removal of lawfully erected signs or sign structures permitted under said act.

4. Chapter 94, Zoning, Table of Contents, shall be amended to read as follows:

Article IV. Zoning District Regulations

Sec. 94-121. General intent and purpose, permitted uses, and dimensional regulations.
Sec. 94-122. AG: Single-family agriculture district.
Sec. 94-123. RS-1, RS-2, RS-3: Single-family residential districts.
Sec. 94-124. R2F: Two-family residential district.
Sec. 94-125. RM: Multiple-family residential district.
Sec. 94-126. MH: Manufactured home park residential district.
Secs. 94-127—94-130. Reserved.
Sec. 94-131. O-1: General office district.
Sec. 94-132. O-2: Specialized office district.
Secs. 94-133—94-140. Reserved.
Sec. 94-141. C-1: Central business district.
Sec. 94-142. C-2: General commercial district.
Sec. 94-143. C-3: Local commercial district.
Secs. 94-144—94-150. Reserved.
Sec. 94-151. M-1: Light manufacturing district.
Sec. 94-152. M-2: General manufacturing district.
Secs. 94-153. M-3: Technology innovation district
Secs. 94-154—94-160. Reserved.
Sec. 94-161. PUD: Planned unit development district.

5. Section 94-61 of Chapter 94, Zoning, Article II. Zoning District Map and General Zoning Regulations, shall be amended to read as follows:

Sec. 94-61. Establishment of districts.

The following zoning districts are hereby established for the city:
AG district: Single-family agriculture district
RS-1 district: Low density single-family residential district
RS-2 district: Medium density single-family residential district
RS-3 district: High density single-family residential district
R2F district: Two-family residential district
RM district: Multiple-family residential district
MH district: Manufactured home park residential district
O-1 district: General office district
O-2 district: Specialized office district
C-1 district: Central business district
C-2 district: General commercial district
C-3 district: Local commercial district
M-1 district: Light manufacturing district
M-2 district: General manufacturing district
M-3 district: Technology innovation district
PUD district: Planned unit development district

6. Chapter 94, Zoning, Article IV Zoning District Regulations, shall be amended to add Section 94-153 M-3 Technology Innovation District as follows:

Sec. 94-153. M-3: Technology innovation district.

(a) *Intent and purpose*.

(1) The purpose of this district is to provide an appropriate regulatory environment for large-scale, infrastructure-intensive technology uses, including engineering, design, research and development, and data processing and computer centers. These uses are characterized by continuous operations, significant utility demand, heightened security requirements, and limited visitation by the general public.

(2) Advances in technology have created land uses that share certain characteristics with both office and industrial uses, but which, due to the number, scale, and operational requirements of associated structures and equipment, may not function adequately or compatibly within other zoning districts. While these uses are generally more intensive than traditional office uses, they are typically less intensive than conventional industrial uses in terms of employee density, traffic generation, and routine public interaction.

(3) Development within this district shall be designed to ensure compatibility with surrounding land uses through appropriate site design, buffering, screening, and architectural standards, and is intended primarily for areas that are largely undeveloped and capable of accommodating such uses without adverse impacts to adjacent properties or community character.

(b) *Uses permitted by right*. Uses permitted by right in this district shall be limited to agricultural uses and to technology-focused uses whose primary function involves data processing, computational infrastructure, or technology research and development, and shall not include retail, goods distribution, or other high-traffic commercial uses.

(1) Agriculture.

(2) Laboratories, offices and other facilities for basic and applied research, experimentation, testing, product design, technology development, consulting and business development.

(3) High technology service uses with the principal function of providing services including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services.

(4) Data processing and computer centers, commonly referred to as data centers, including service and maintenance of electronic data processing equipment.

(c) *Permitted accessory uses*.

(1) Accessory uses and structures as defined in this chapter.

(2) Solar panels that are ground-mounted, on structures or over paved parking areas.

(d) *Uses authorized by special use permit*. Any uses permitted in the M1 light manufacturing district and M2 general manufacturing district.

(e) *Development standards*. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c), however, when any of the general standards are in conflict with this section, the standards in this section shall supersede such general standards. In addition to the requirements of this chapter, an application for site plan review shall comply with the following.

(1) Include expected water use amount and identification of any expected contents of wastewater that could impact the city wastewater treatment process.

(2) Include expected electricity use and documentation of the commitment from the electricity provider that sufficient electricity supply is available to the site and that such supply will not impact other electricity users consistent with state law.

(3) Include an environmental impact statement detailing potential impacts to air quality, wildlife, and water resources, including cooling water and wastewater, surface water and groundwater. The statement shall include proposed mitigating actions to address potential impacts identified.

(4) No site plan shall be approved, nor shall any development agreement or utility agreement be executed, unless the City has determined, based on completed studies and submitted documentation, that sufficient city utility capacity exists under conservative, long-term operating assumptions. For purposes of this section, conservative, long-term operating assumptions may include full build-out demand, peak usage conditions, reasonable contingency factors, and the expected operational lifespan of required infrastructure.

(5) The planning commission shall hold a public hearing prior to approval of a preliminary site plan. Notice of a public hearing shall be pursuant to section 94-101.

(f) *Eligibility*. In order for property to be zoned M3, it must be included within a rezoning application pertaining to a minimum of fifty (50) contiguous acres. Alternatively, a property will be so eligible if its acreage plus the acreage of contiguous property that is already zoned M3 will equal at least fifty (50) acres. Properties separated by a public right-of-way shall be considered to be contiguous for purposes of this provision.

(g) *Parcel dimensional requirements*.

(1) *Parcel Frontage.* All parcels shall abut a public street except where one of the following applies.

a. An adjacent parcel or parcels under common ownership with the subject parcel has frontage on a public street.

b. A legally binding perpetual vehicular access easement over an adjacent parcel or parcels with frontage on a public street that are not under common ownership with the subject parcel is placed on record with the county and provided to the city prior to preliminary site plan approval.

(2) *Parcel width, depth.* All parcels shall have adequate width and depth to provide for setback distances as required by this chapter.

(3) *Maximum Parcel Coverage.* The maximum parcel coverage by all structures shall be 60%.

(h) *Building height.* The maximum building height shall be seventy (70) feet with no exception for structural appurtenances.

(i) *Leisure Trails.* In lieu of sidewalks required under the city code, public leisure trails shall be constructed along the periphery of the district along public streets. The cost of installation and on-going maintenance of the leisure trail shall be the responsibility of the property owner.

(1) *Leisure trail construction.* Leisure trails shall be asphalt, constructed to city standards, and have a minimum width of eight (8) feet unless otherwise specified in the approved site plan.

(2) *Leisure trail location, route.* All leisure trails shall be located on the development property outside of the street right-of-way, except when the appropriate governing body approves location within the right-of-way. The route followed by a leisure trail is not required to be a straight line and shall be shown on the submitted site plan.

(3) *Leisure trail easement.* A public use easement shall be granted by the property owner to the city for the area encompassing a leisure trail located outside the street right-of-way completely encompassing the leisure trail from the street right-of-way to a line parallel to the right-of-way located no closer than one (1) foot from the edge of any portion of the trail.

(j) *Public street right-of-way, easements.* The property owner shall dedicate property for right-of-way for public street construction and improvement to the city or county, as applicable, in compliance with relevant regulations as required by the approved site plan. The property owner shall grant easements to the city or county, as applicable, which are adjacent to the aforementioned rights-of-way to the minimum extent necessary, or as required by this section, to provide for access to, and the installation and maintenance of, street improvements, leisure trails, and/or utilities.

(k) Residential zoning district defined. For the purposes of this section, the term "residential zoning district" shall refer only to those districts zoned specifically for residential uses and shall not include districts zoned for agricultural use.

(l) *Setback, buffering, and screening requirements*.

(1) *Screening generally*. Whenever possible, trees, locally native woodland shrubs and other naturally occurring features shall be incorporated into a site plan. Given the possibility of natural features being relocated or removed, a greenway edge network shall be established along the periphery of the district. This greenway shall be located within the required setback area.

(2) *Street and residential setback, buffering and screening.* The following minimum setback, buffering, and screening requirements shall apply to any structures and parking areas in a development that is adjacent to a public street right-of-way or adjacent to property outside of this district with a residential use or in a residential zoning district.

a. The minimum setback for buildings and structures shall be one hundred and fifty (150) feet from an adjacent public street right-of-way. A berm shall be placed in the setback area along the district boundary in compliance with this section.

b. The minimum setback for buildings and structures shall be two hundred (200) feet from a property boundary shared between this district and a property with a residential use or in a residential zoning district. A berm shall be placed in the setback area along the district boundary in compliance with this section.

c. The minimum setback for parking areas shall be one hundred (100) feet.

d. *Berm requirements.* A required berm shall be placed along the district boundary inside any required fence in compliance with the following.

1. *Berm height.* Berm height shall be a minimum of eight (8) feet and a maximum of ten (10) feet from the adjoining street grade at the edge of the pavement.

2. *Berm landscaping*. Any required berm shall include a landscape buffer on the berm top and side facing a public street or adjacent property. The landscape buffer shall consist of a mixture of trees, including deciduous and evergreen trees as appropriate, shrubs, and natural grasses with no more than thirty percent (30%) of any single tree or shrub species. Trees and shrubs shall be placed in a manner to mix species of different types and heights along the berm scattered over the top and side of the berm. A written statement from a certified arborist or landscape architect shall be provided with site plan submittal to confirm an expectation that the planting mass achieves an opacity at full foliage of eighty percent (80%) and reaches a height of fifteen (15) feet above the berm grade on the date that is four (4) years after planting and that plant spacing is appropriate to support a healthy screen at plant maturity.

i) *Allowed berm trees.* No species other than those included in the list below may be planted on a berm without written permission of the tree commission.

Allowed Berm Tree Species		
Deciduous Trees		**Evergreen Trees**
Black Gum	Maple, Red	Fir
Ginko (non-fruiting varieties)	Maple, Sugar	Japanese Yew
Greenspire Linden	Oak, Pin	Juniper, Upright
Hackberry	Oak, Red	Leland Cypress
Hop Hornbeam	Oak, Shingle	Red Cedar
Japanese Pagoda Tree	Oak, White	Red Pine
Katsura Tree	Sweet Gum	Spruce, Black Hills
London Plane Tree	Thornless Cocksper Hawthorn	Spruce, Norway
Maple, Crimson King	Thornless Locust	White Pine
Maple, Hedge	Zelkova	

ii) Minimum tree size at installation shall be no less than two and one half (2.5) inches in caliper for large deciduous trees, two (2) inches in caliper for ornamental deciduous trees, ten (10) feet in height for evergreen trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade. Tree and shrub height at the time of installation and as expected four (4) years after planting shall be noted in the site plan submission.

iii) A natural grass mix requiring minimal mowing is to be seeded on the entire surface of a berm.

iv) The owner shall provide for appropriate maintenance of a berm and any required plantings and landscaping.

3. *Berm construction*. Berms are to be constructed as required by the berm standards in section 94-241(g) of this code, however, when any of said berm standards are in conflict with this section, the standards in this section shall supersede those berm standards.

i) *Berm grading*. Berm grading may gradually undulate horizontally and vertically between the minimum and maximum heights required in this section.

ii) If minimum berm height requirements cannot be met around the entirety of the site, plantings that provide one hundred percent (100%) opacity at full foliage may be utilized to meet the screening requirements, however, this condition shall not exceed thirty percent (30%) of the required berm area.

iii) Breaks in, and/or tapering of, berms may occur at vehicular and pedestrian access points subject to the approved site plan.

4. *Access point screening.* Where a vehicular access point is located across the street from any portion of a parcel outside of this district with a residential use or in a residential zoning district, the combination of the access drive path design and a berm buffer in compliance with this section along the drive shall screen the view of structures and parking areas from the intersection of the drive and the street. This screening requirement shall be waived if either of the following conditions apply:

i) The parcel with a residential use or in a residential zoning district is under common ownership of the subject property.

ii) The owner(s) of the parcel(s) with a residential use or in a residential zoning district sign an affidavit agreeing to waive the requirements of subsection (4) above and said affidavit is filed with the city.

(3) *Non-street, non-residential setback and screening.* The required minimum setback from, and screening along, district boundary lines that are not adjacent to a public street right-of-way or to property outside of this district with a residential use or in a residential zoning district shall comply with the following subsections.

a. *Setback.* A minimum setback of fifty (50) feet for buildings, structures, service areas, loading areas, and parking areas.

b. *Screening.* Multiple staggered rows of a mix of trees, locally native shrubs and natural grasses shall be planted along the boundary of the district within the setback area. The screen design shall satisfy the requirements of this section for berm landscaping for species selection and placement, opacity and height above grade, minimum tree size, site plan submittal requirements, maintenance, and professional confirmation that the design will meet requirements, except that no berm is required.

c. A natural grass mix requiring minimal mowing is to be seeded within the screen planting area.

d. The owner shall provide for appropriate maintenance of the screen planting area and any required plantings.

(4) *Existing natural screening*. Where the overall height and opacity requirements noted above can be met by preserving and/or supplementing existing tree stands or forested areas, the berm and landscaping requirements of this section may be modified or waived by the approval authority.

(5) *Interior Setbacks.* There shall be a zero minimum building and parking area setback requirement from interior parcel lines within this district when the parcels on each side of a parcel line are under common ownership. When adjoining parcels are not under common ownership, the minimum setback requirements shall be fifty (50) feet for structures and twenty (20) feet for parking areas.

(6) *Phasing of buffering and screening.* Required berms and landscaping shall be installed prior to any above grade construction of a structure. This requirement shall not apply to temporary structures intended only for support of construction.

(7) *Construction Site Setup.* During any phases of construction there shall be a minimum fifty (50) foot setback for parking areas, material laydown and storage tanks and a minimum one hundred (100) foot setback for trailers, structures, buildings, and related items necessary for the construction of improvements. All construction site setup areas shall be screened so that they are not visible from a public street or adjacent property outside of this district with a residential use or in a residential zoning district.

(m) Fencing.

(1) *Exterior rail fence*. A four (4) rail fence shall be installed by the owner along the periphery of the district abutting a public street for the entire length of the frontage on the street, subject to required breaks for vehicular and pedestrian access. The fence shall be as straight as possible and located on the development property a minimum of two (2) feet from the easement for a leisure trail. The owner will be responsible for maintenance and repair of the fence. The fence shall be constructed as follows:

a. Fence shall be constructed of wood, vinyl or other suitable exterior grade material. All construction shall be in accordance with verifiable industry standards. A fence system around a district shall be of the same design and materials for the entirety of the district.

b. Fence height to the top of the top fence rail shall be fifty-four (54) inches from grade and uniform along the entire length of the fence within a tolerance of plus or minus one (1) inch. Variations in fence height shall be gradual.

c. The distance from the top of the top fence rail to the bottom of the bottom rail shall be forty-two (42) inches. Fence rails shall be evenly spaced.

d. All fasteners shall be of a material, and/or include a coating, specified for exterior use.

e. All visible elements of the fence shall be white in color and the color shall match substantially among all elements.

f. *Wood fence.*

1. Fence rails shall be one (1) inch by six (6) inch nominal dimension by sixteen (16) foot long treated rough sawn poplar. Fence rails shall be located on the street facing side and aligned with the top of the post.

2. Fence posts shall be six (6) inch by six (6) inch nominal dimension southern yellow pine wood posts treated for below ground installation of sufficient length to allow post sinking below the frost line and result in the required fence height. The top of each post shall be flush with the top of the top fence rail.

3. Posts shall be installed vertically on sixteen (16) foot centers except where a shorter fence section is required to terminate the fence at the required location.

4. Fence rail joint covers shall be one (1) inch by six (6) inch nominal dimension treated rough sawn poplar. The covers shall be forty-two (42) inches long and centered on each post. The covers shall be vertical and aligned with the top of the top fence rail and bottom of the bottom fence rail.

5. All exposed wood shall be appropriately primed and painted with exterior grade paint.

g. *Vinyl fence.*

1. Fence rails shall be one and a half (1.5) inches by five and a half (5.5) inches and of appropriate length for post spacing. Rails shall be securely anchored into posts.

2. Fence posts shall be five (5) inch by five (5) inch vinyl of sufficient length to allow post sinking below the frost line and result in the required fence height.

3. Posts shall be installed vertically on eight (8) foot centers at minimum except where a shorter fence section is required to terminate the fence at the required location.

4. Fence vinyl posts shall terminate two (2) inches above the top of the top rail prior to cap installation. Post caps shall be glued in place.

h. *Alternate fence material.*

1. An alternate material other than wood or vinyl may be used at the discretion of the site plan approval authority.

2. The site plan applicant shall provide sufficient information to allow the approval authority to determine if the alternate fence material will be sufficiently durable and allow for a fence design consistent with the requirements for wood or vinyl fence.

(2) *Interior fencing*. Any security fencing or other fencing shall be located behind a required perimeter berm. No fencing shall be installed on a required perimeter berm.

(n) Outdoor storage and hazardous materials.

(1) *Outdoor Storage.* Outdoor storage of materials, equipment, and supplies shall be permitted. Outdoor storage areas for these items are not required to be screened if located to not be visible from a public street right-of-way or from ground level at a distance of two hundred (200) feet from any perimeter boundary line of a parcel that is not under common ownership. Otherwise, such outdoor storage areas shall be fully screened to a height of eight (8) feet. Outdoor storage areas, whether screened or unscreened, shall comply with minimum setback requirements in this section.

(2) *Hazardous Materials.* Due to the nature of the permitted uses in this district, hazardous waste and materials storage and processing is anticipated. When such storage and/or processing are desired:

a. The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for site plan review. This statement shall also provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that will be implemented upon the occurrence of an event that does, or has the potential to, damage the environment, persons, or property. This information shall be provided so that relevant city departments and public safety providers will have notice of the presence of these storage and processing operations.

b. All such storage and/or processing shall comply in all respects with local, state and federal law and regulations, and shall not be undertaken until such time as all necessary permits are received and copies of the same are provided to the city.

c. No such storage and/or processing shall occur within two hundred (200) feet of any perimeter boundary of a parcel that is not under common ownership,

d. If such storage or processing is undertaken outside of a structure, all exterior areas where these activities are occurring shall be surrounded by a masonry wall that is at least ten (10) feet in height, but only if the activities are wholly or partially visible from an adjacent public street right-of-way or adjacent property outside this district with a residential use or in a residential zoning district. Building facades may be used to meet this requirement. Any gates or doors shall include enhanced security features to ensure that unauthorized individuals cannot gain access to the area.

(o) *Utilities*.

(1) *Electric utilities*. All new electrical utilities installed on the development site rated below sixty-nine (69) kV shall be underground. Electric utilities related directly to substation infrastructure, regardless of rating, are not required to be underground.

(2) *Standby generators*.

a. Generators shall be operated only for the purpose of performing periodic testing and exercising as allowed under this section or for the purpose of supplying electricity during an emergency disruption in supply from the normal electricity supplier. Under no circumstances shall any generator be operated for the purpose of supplying electricity for ongoing operations except during an emergency disruption in supply.

b. All diesel generators shall be factory-certified to meet, at minimum, the Tier 4 Final emissions regulations established by the Environmental Protection Agency (EPA) for non-road diesel engines. In the event regulations more stringent than Tier 4 Final are established by the EPA for non-road diesel engines, diesel generators shall be factory-certified to the more stringent regulations if commercially available at the time of purchase. At all times, diesel fuel used in diesel generators shall comply with EPA regulations for sulfur content required of the applicable emissions regulation.

(3) *Water and sewer utilities.*

a. All structures in the district used or designed for human occupancy shall connect to the city water supply system. All structures in the district in which sanitary sewer originates shall be connected to the city sanitary sewer system.

b. Each user of city water and sanitary sewer utilities in this district shall enter into a water and sanitary sewer utilities use agreement with the city. The use agreement shall address, at minimum, the topics described in the following subsections.

    1. The minimum required real taxable value.

    2. The methodology for establishing the cost of utility services.

    3. The requirements of the user to ensure there is no negative impact to the sustainable operation of the utilities.

    4. The maximum allowable water usage.

    5. The minimum monthly payment for water and sanitary sewer service.

    6. The penalties for non-compliance with the agreement.

    7. The minimum number of years the user commits to purchasing utility services.

    8. To the extent allowed by law, that the cost of any improvements to the city water and/or sanitary sewer systems necessary to serve the user shall be the responsibility of the property owner.

c. All charges for water and wastewater services provided to uses within this district shall be established pursuant to a city council approved rate study and shall not be less than the charges applicable to residential users.

d. Failure to comply with a water and sanitary sewer utilities use agreement shall constitute both a contractual breach and a violation of this section 94-153.

(p) General architectural standards.

(1) *Building construction.* Traditional materials including wood, stone, brick, concrete, aluminum, metal, glass, stucco, or cementitious fiberboard shall be used for exterior construction of all buildings. The use of reflective or mirrored glass on a building facade, or advanced fabric structures or similar type structures, shall be prohibited. Mirrored glass may be used for windows and entrance door areas.

(2) *Roof-Mounted Equipment.* Complete screening of all roof-mounted equipment shall be required on all four (4) sides with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. Solar energy systems shall be excluded from the requirements of this section to the extent the requirements prevent or limit functionality and/or accessibility to direct sunlight.

(3) *Loading docks.* Loading docks shall have the same degree of finish as a main entry unless the dock is not visible from a public right-of-way or adjacent property outside of this district with a residential use or in a residential zoning district.

(4) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of any building visible from a public right-of-way.

(q) *Environmental regulations.*

(1) Any use of land or structures in this district shall comply with the environmental regulations of section 94-177 of this code however, when any of the environmental regulations are in conflict with this section, the standards in this section shall supersede such environmental regulations.

(2) *Noise*. Subject to the requirements of this section, no noise shall be produced that is objectionable due to intermittence, beat frequency or shrillness.

a. Subject to allowances in this section, noise levels from routine operations shall not exceed an average noise level over any twenty-four (24) hour period of sixty-five (65) decibels (dBA) at an adjacent street right-of-way or the boundary of adjacent non-residentially used or zoned property outside of this district.

b. Subject to allowances in this section, noise levels from routine operations shall not exceed an average noise level over any twenty-four (24) hour period of fifty-five (55) decibels (dBA) at a property boundary shared between this district and a property outside of this district with a residential use or in a residential zoning district.

c. Average noise levels shall be calculated using A-weighted equivalent continuous sound level measurement methodology (LAeq) consistent with current accepted standards as approved by the city engineer.

d. *Periodic testing or exercising of equipment*. Noise levels up to eighty (80) decibels (dBA) at an adjacent street right-of-way or the boundary of adjacent property outside of this district are allowed only during periodic testing or exercising of equipment or during an emergency disruption in supply from the normal electricity supplier. Testing or exercising shall not occur more often than once monthly for up to a total of fifteen (15) minutes with the exception that such testing shall be allowed for a duration of up to a total of sixty (60) minutes twice per year. If approved in advance by the city manager for each occurrence, the sixty (60) minute events may be allowed up to two (2) additional times per year. Any testing or exercising shall be allowed only between the hours of 9:00 a.m. and 4:00 p.m. on a weekday.

e. *Pre-development and post-development noise studies.* The site plan review applicant will be responsible for the cost of pre-development and post-development noise studies along each adjacent street right-of-way and boundary of adjacent property outside of this district to establish a pre-development noise baseline and to verify the post-development noise level emitted during routine operations. The pre-development and post-development noise studies shall include evaluation of noise at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. Noise studies shall be performed and evaluated pursuant to current appropriate standards, metrics and methodologies as approved by the city engineer in advance. The city shall approve the noise study provider in advance. If pre-development noise levels along any right-of-way or property boundary exceed the maximum prescribed in subsections (a) or (b) above, the noise levels post-development along said right-of-way or boundary shall not exceed the levels measured in the pre-development noise study.

f. Ground mounted mechanical equipment, including blowers or generators, shall be enclosed in sound absorbing walls to the extent possible and designed to attenuate noise heard on adjacent properties outside of this district.

g. Ground mounted mechanical equipment, including blowers and generators, shall be located, as far as practical from an adjacent street right-of-way or the boundary of an adjacent property outside of this district and, to the extent possible, located within the interior of the building layout to minimize noise heard on surrounding properties.

h. The use of external loudspeakers is prohibited.

(3) Outdoor lighting.

a. No lighting fixture shall be placed more than twenty-four (24) feet above the ground.

b. No lighting shall exceed twenty-five percent (25%) more than the light level recommended by the most recently published applicable ANSI/IES Lighting Standard at the time of installation.

c. All luminaires emitting more than 1,000 lumens shall be fully shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.

d. No luminaires shall exceed a correlated color temperature of 3000 K.

e. Luminaires activated by motion detection shall automatically turn off or return to the dimmed state no more than five (5) minutes after activity is no longer detected.

f. Any of the lighting requirements of this section may be waived if compliance with the requirement would result in violation of applicable state or federal law or it is demonstrated that waiver of the requirement is necessary for security or public safety purposes. A waiver shall be issued at the discretion of the zoning official.

(4) *Vibration.* Ground mounted mechanical equipment shall be mounted on a vibration dampening platform or other suitable device to decouple the equipment from transferring vibration to the ground. Pre-development and post-development studies of ground vibration along each adjacent street right-of-way and boundary of adjacent property outside of this district shall be conducted to establish a pre-development vibration baseline and to verify the post-development vibration level emitted during routine operations. Vibration studies shall be conducted by a provider selected by the city and the cost shall be the responsibility of the applicant. The pre-development and post-development vibration studies shall include evaluation of ground vibration at various locations along each street right-of-way and property boundary and during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. Vibration studies shall be performed and evaluated pursuant to current appropriate standards, metrics and methodologies as approved by the city engineer in advance. Post-development ground vibration levels shall not exceed pre-development levels.

(r) *Development agreement.* The property owner shall enter into a development agreement with the city incorporating the requirements of the following subsections and record the same in the office of the county register of deeds. The development agreement shall be a binding covenant upon all future owners, operators, and tenants of the property and shall be executed and recorded prior to issuance of a building permit.

(1) The terms and conditions of final site plan approval.

(2) The terms and conditions of any water and sanitary sewer utilities use agreement.

(3) Nothing in this section shall preclude the city from requiring surety bonds or other financial assurances where legally permitted.

(s) *Signs.* Wall signs in this district shall be limited to a maximum size of eight hundred (800) square feet.

(t) *Violations.* Any violation of a provision of this section 94-153 shall be designated as a civil infraction.

7. Section 94-173 of Chapter 94, Zoning, Article V. Supplemental Regulations, shall be amended as follows:

Sec. 94-173. Supplemental use regulations.

(d) *Wireless telecommunications towers and antennas*……

(13)*Uses permitted by special use permit*. No wireless communications facilities other than those permitted by administrative review by subsection 94-173(d)(12) of this chapter shall be permitted except subject to the granting of a special use permit after review and approval by the planning commission pursuant to article VI of this chapter, subject to the general standards applicable to a special use permit as set forth at subsection 94-191(f), the goals set forth at subsection 94-191(a), and the following additional standards:

a. Location criteria.

1. Facilities shall be sited to minimize views to the extent reasonably possible from residential areas or the public right-of-way.
2. Support structures will be located in all geographic districts to minimize their view from neighboring properties and public rights-of-way.
3. Mounted wireless communication facilities are permitted in all districts except single-family and two-family districts, except that roof-mounted antennas are not permitted in any residential district.
4. Monopoles and similar support structures are permitted as a principle or accessory use only in the M-2 general manufacturing district, the M-3 technology innovation district, and those portions of the M-1 light manufacturing district, and those commercial districts lying south of a line created by Kipp Road extended and north and west of lines created by North Street and Buhl Street extended.
5. Monopoles not to exceed 150 feet in height are also permitted in the C-1 central business district by special use permit, provided the structure is located on publicly-owned property and is constructed and maintained for joint use by three or more users, at least one of which shall be a local or state governmental agency operating communication facilities for public safety services as defined under the Homeland Security Act.
6. Monopoles and similar support structures are prohibited in parks, school grounds or other areas heavily trafficked by children.
7. Lattice or guyed towers or antennas or similar structures are prohibited in all districts.

8. Section 94-222 of Chapter 94, Zoning, Article VII. Site Plan Review and Landscape Standards shall be amended as follows:

Sec. 94-222. Uses subject to site plan review.

The uses of land and structures listed in this section shall receive final site plan review and approval in accordance with this article prior to the granting of a building permit or a certificate of occupancy.

(1) Uses in the O-1, O-2, C-1, C-2, C-3, M-1, M-2, and M-3 zoning districts.
(2) Uses in the planned unit development district.
(3) Multiple-family dwelling uses.
(4) Uses permitted by special use permit.
(5) Platted subdivisions (refer to chapter 74).
(6) Site condominium developments.
(7) Public and governmental facilities.
(8) Off-premise signs.
(9) Grading and filling in any district which alters the flow of surface water to or from the property.

9. Section 94-225 of Chapter 94, Zoning, Article VII. Site Plan Review and Landscape Standards shall be amended as follows:

Sec. 94-225. Preliminary site plan review and approval.

(a) *Intent, purpose, consideration concurrent with final site plan.* All uses of land and structures which are subject to the requirements of this article shall receive preliminary site plan review and approval prior to the submission of a final site plan unless the zoning official determines that concurrent preliminary and final site plan review and approval will promote the general welfare of the city. The standards for both preliminary and final site plan review and approval in this article shall be applied when concurrent consideration is allowed. The planning commission may require separate preliminary and final site plan review and approval for any plan subject to consideration by the commission.

(b) *Preliminary site plan application.* The owner or designated agent shall file an application requesting preliminary site plan review and approval with the zoning official. The application shall be accompanied by the information required in this section and be accompanied by the appropriate fees as established by resolution of the city.

(c) *Preliminary site plan application requirements.* All applications for preliminary site plan review and approval shall comply with the basic required submittal standards of subsection 94-225(d)(1) of this chapter. The additional required submittal standards of subsection 94-225(d)(2) of this chapter shall be satisfied by any application for preliminary site plan review and approval involving the following uses of land or structures.

(1) Planned unit development.
(2) Planned residential development.
(3) Site condominium development.
(4) Public and government facility.
(5) Any use in the M-1, M-2, or M-3 zones.
(6) Hotel or motel.
(7) Multiple-family with 12 or more units.
(8) Community commercial center.
(9) Any use involving one or more structures that occupy, either individually or collectively, more than 15,000 square feet of gross floor area.
(10) Other uses as determined by the designated site plan approval body, except that for such other uses, at the sole discretion of the designated site plan approval body, specific requirements of subsection 94-225(d)(2) of this chapter may be waived.

10. Section 94-292 of Chapter 94, Zoning, Article IX. Off-Street Parking and Loading Regulations shall be amended as follows:

Sec. 94-292. General off-street parking and loading requirements.

(h) Location of parking areas. All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve, with the following exceptions:

(1) Uses in the C-1 district. There shall be no off-street parking space requirements in the C-1 district for those uses which require 20 or less off-street parking spaces. Uses requiring more than 20 off-street parking spaces shall have their parking requirement determined by the planning commission. In making such a decision, the planning commission shall consider the availability of both public and private parking spaces.

(2) Uses in C-2 and C-3 districts. Parking on the premises or within 400 feet.

(3) Uses in M-1, M-2, and M-3 districts. Parking on the premises or within 800 feet.

11. Table 100-1. Lot Dimension Regulations of Chapter 100 Reference Tables and Figures shall be amended as follows:

TABLE 100-1. Lot Dimensional Regulations.
Refer to footnotes listed after table 100-2 of this chapter.

Zoning District and Ordinance Section	Minimum Lot Size (sq. feet)	Minimum Lot Width (feet)	Minimum Lot Area Per Principal Structure (sq. feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum % of Lot Coverage by all Structures
AG Sec. 94-122	30,000	225	30,000	30	15	40	15
RS-1 Sec. 94-123	12,000	90	12,000	30	15	40	30
RS-2 Sec. 94-123	9,600	75	9,600	25	10	35	30
RS-3 Sec. 94-123	8,500	65	8,500	25	(1)	35	35
R2F Sec. 94-124	8,500	65	8,500	25	(1)	35	35
RM Sec. 94-125	8,500	65	8,500(2)	25	15	35	35
MH Sec. 94-126	20 acres	-	5,500(10)	15	10	15	35
O-1 Sec. 94-131	8,500	60	-	25	10(3)	35	35
O-2 Sec. 94-132	12,000	90	-	60(11)	15	40	30
C-1 Sec. 94-141	-	20	-	-	-	-	-
C-2 Sec. 94-142	20,000	100	-	50(11)	10(3)	10(3)	50
C-3 Sec. 94-143	20,000	100	-	50(11)	10(3)	10(3)	50
M—1 Sec. 94-151	60,000(13)	200(13)	-	50(11)	10(3)	20	50(12)
M—2 Sec. 94-152	60,000(13)	200(13)	-	60(11)	20	20	50(12)
M—3 Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153	See Sec. 94-153
PUD Sec. 94-161	-	-	-	-	-	-	-

12. Table 100-2. Building Dimensional Regulations of Chapter 100 Reference Tables and Figures shall be amended as follows:

TABLE 100-2. Building Dimensional Regulations.
Refer to footnotes listed after this table.

Zoning District and Ordinance Section	Maximum Height Principal Structure (feet)	Maximum Height Accessory Structure (feet)	Minimum Floor Area Per Dwelling Unit (sq. feet)	Minimum Width Principal Structure (feet)	Minimum Internal Height Principal Structure (feet)
AG Sec. 94-122	35(4)	25(5)	1,200(6)	24	7.5
RS-1 Sec. 94-123	35	25(5)	1,200(6)	24	7.5
RS-2 Sec. 94-123	35	25(5)	1,000(6)	24	7.5
RS-3 Sec. 94-123	35	25(5)	800(6)	24	7.5
R2F Sec. 94-124	35	25(5)	800(6), (7)	24	7.5
RM Sec. 94-125	35	15	(7)	-	-
MH Sec. 94-126	-	15	-	-	-
O-1 Sec. 94-131	45	15	-	-	-
O-2 Sec. 94-132	15	15	-	-	-
C-1 Sec. 94-141	45(14)	15	-	-	-
C-2 Sec. 94-142	45	15	-	-	-
C-3 Sec. 94-143	45	15	-	-	-
M-1 Sec. 94-151	40(8)	40	-	-	-
M-2 Sec. 94-152	45(8)	45	-	-	-
M-3 Sec. 94-153	See Sec. 94-153	45	-	-	-
PUD Sec. 94-161	35	(9)	(7)	-	-

13. Table 100-4. Landscape Buffer Classification Matrix of Chapter 100 Reference Tables and Figures shall be amended as follows:

Table 100-4. Landscape Buffer Classification Matrix.

Subject Property Zoning	AG	RS (all)	R2F	RM	MH	O-1	O-2	C-1	C-2	C-3	M-1	M-2	PUD
AG	na	na	na	na	na	na	na	na	na	na	na	na	na
RS (all)	na	na	na	na	na	na	na	na	na	na	na	na	na
R2F	na	na	na	na	na	na	na	na	na	na	na	na	na
RM	B	B	B	A	B	B	B	B	B	B	B	B	B
MH	C	C	C	C	A	C	C	C	C	C	C	C	C
O-1	B	B	B	B	B	A	A	A	A	A	A	A	B
O-2	B	B	B	B	B	A	A	A	A	A	A	A	B
C-1	na	na	na	na	na	na	na	na	na	na	na	na	na
C-2	B	B	B	B	B	A	A	A	A	A	A	A	B
C-3	B	B	B	B	B	A	A	A	A	A	A	A	B
M-1	D	D	D	D	D	C	C	C	C	C	B	B	C
M-2	D	D	D	D	D	C	C	C	C	C	B	B	C
M-3 (see sec. 94-153)	-	-	-	-	-	-	-	-	-	-	-	-	-
PUD	B	B	B	B	B	B	B	B	B	B	B	B	B

14. Table 100-5. Parking Space Requirements of Chapter 100 Reference Tables and Figures shall be amended as follows:

Table 100-5. Parking Space Requirements.

Land Use	Required Parking Spaces
Single Family Dwelling	2 per dwelling unit
Two-Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Multiple Family Dwelling	1.4 per dwelling unit for efficiency and one-bedroom units 2 per dwelling unit for two or more bedroom units
Rooming house	2 per dwelling unit, plus 1 per rooming unit
Hotel, Motel	1 per bedroom
Convalescent Home	0.33 per bed
Hospital	0.33 per bed
Medical Clinic	2 per treatment room
Auditorium, Church, Stadium	0.33 per seat based upon total seating capacity
Elementary and Middle Schools	0.33 per seat based upon total seating capacity of auditorium or gym, whichever is largest
High School and College	1 per 100 sq. ft. UFA
Library, Museum, Post Office	1 per 100 sq. ft. UFA
Golf course	4 per golf hole
Tennis club	4 per court
Dance Hall, Pool Hall, Video Arcade, Lodge, Private Club	1 per 100 sq. ft. UFA in main meeting room or club room
Bowling Alley	5 per bowling lane
Professional Offices, Banks	1 per 200 sq. ft. UFA
Doctor, Dentist, other medical office	1 per 100 sq. ft. of waiting area, plus 1 per exam room or dentist chair
General Offices	1 per 200 sq. ft. UFA
General Retail, General Services, Super Markets, Food Stores	1 per 150 sq. ft. UFA
Barber Shop. Hair Salon	2 per barber chair
Automobile Service Station	2 per service stall
Drive-in Restaurant	6 per 100 sq. ft. UFA
Restaurant, Tavern	1 per 50 sq. ft. UFA
Funeral Home, Mortuary	4 per 100 sq. ft. UFA
Industrial, Warehouse, Wholesale	0.33 per 100 sq. ft. UFA
Self-serve Laundry	1 per 2 washing machines
Auto Repair, Auto Collision Repair	1 per 200 sq. ft. UFA
Day Care Facilities	1 per 10 children
Foster Care Facilities	1 per 3 residents
Data Center	1 per employee (maximum employee shift)

Effective Date. This ordinance shall become effective 20 days after adoption and upon publication.

****

The foregoing Ordinance was moved for adoption by Council Member _____ and supported by Council Member _____, with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the _____ day of _____, 2026. Ordinance No. 266 declared adopted this _____ day of _____, 2026.

_____
Russell W. Whipple, Mayor

_____
Sarah J. Jarvis, City Clerk
City of Mason, County of Ingham, State of Michigan

City Manager's Report: January 30, 2026

IMPORTANT DATES

- **February 2 at 6:30 p.m.:** Joint Recognition Ceremony in the Sycamore Room at City Hall.
- **February 16:** In recognition of Presidents Day, City Hall will be closed to the public for staff training.
- **Budget Preparation:** City Council should identify any potential conflicts with the dates below.
  - **February 9 at 6:30 pm:** City Council and Planning Commission Joint Capital Improvement Program Workshop in the Sycamore Room at City Hall.
  - **April 13 at 6:30 pm:** City Council Budget Workshop

OPERATIONS

General:

- **Water Resource Study:** Staff have had inquiries related to this study, which was requested of City Engineer. The attached report has been provided as an update.
- **Citizen Update on M-3:** As suggested at the last City Council meeting, staff mailed the attached document with an update on M-3 to residents throughout the City of Mason, so they can get access to the most up-to-date information and FAQ.
- **Civil Rights Complaint:** The City's Police Department received a Civil Rights complaint in October and has fully cooperated with the investigation. The State Department of Civil Rights completed its investigation and ruled that the complaint was dismissed on January 16.
- **Farm Lease:** The City will be releasing a RFP in February to solicit bids for farming City-owned land along Temple Street. The current lease expired December 31, 2025.
- **Water Main Breaks:** Due to the extreme cold, the City has experienced the following water main breaks and anticipates more due to the extreme cold and depth of frost in the streets (about 2 feet deep):
  - January 21, 11:00 a.m. - 500 block of N. Cedar St., crews were on site the whole time, repaired by noon on January 22.
  - January 26, 6:00 p.m. – Intersection of South St. and McRoberts, crew located valves and contacted MISS DIG, repaired by 9:00 a.m. on January 27.

Expertise Building and Partnerships:

- On January 22, Chief Shutes and Sgt. Budd met with a representative from the Michigan State Police to discuss the records management system used by our police department.
- Manager Stuart attended the Michigan Municipal Executives (MME) Winter Institute, topics included: the increasing personal demands of public service, leading through change and challenging situations, financial challenges of equipment, legislative update, and more. Manager Stuart was also awarded the MME Christine Burnes Award by her peers at the event in recognition of excellence in municipal management and leadership, while enhancing career opportunities for women in the local government profession.

Personnel:

- TRANSITIONS – 1
  - Jeremiah Budd resigned effective February 5, 2026, from his position as Police Sergeant.
- OPPORTUNITIES - 7
  - Laborer, Full-time, Facilities Assignment – Interviews completed.
  - On-Call Police Officer – Conditional offer provided.
  - Police Investigator, Full-time – Interview scheduled.
  - Police Officer, Full-time - Posted and open until filled.
  - Sergeant, Full-Time – Posted internally.
  - Crossing Guard, Part-time and Substitutes - Open Until Filled.
  - On-Call Firefighter- Open Until Filled.

CAPITAL IMPROVEMENT PROGRAM PROJECTS

Active or planned for the current Fiscal Year. Removed after one notice of completion.
Note the estimated schedules are weather dependent.

FISCAL YEAR 2025-2026			
Project	**Project Name/Description**		**Status**
STREETS, BRIDGES, SIGNALS (S)			
2017-S16, 2025-U1	Maple St. Culvert Replacement		**COMPLETE CLOSURE** continues until asphalt plants open. Lansing Street is now open.
UTILITIES: SANITARY SEWER, STORM WATER, AND WATER DISTRIBUTION (U)			
2019-U3b, U8	WWTP Plant Construction/ Office Building Remodel		In progress, with regular check-ins. Full turn on pushed back to February, completed project anticipated in Summer 2026.
2022-U3	Well No. 7 (Kipp Rd.) Rebuild		4Q to coordinate with other well proposals in 26/27 budget
2023-U19	Water Service Line Replacement		34/48 completed for FY
2024-U6	Supervisory Control and Data Acquisition (SCADA)		Planning and design are in progress.
PARKS/ CEMETERY/ FORESTRY/ NONMOTORIZED (P)			
2020-P9	Downtown Wayfinding Signage (DDA)		DDA Sub-committee continuing to develop the proposal.
2020-P23	Parks/Recreation Plan: 5-Year Update		On hold due to other higher-priority items.
2020-P16b	Kipp Road (127-Jefferson) Sidewalks		Recommend moving to future year of CIP.
2020-P24	Lee Austin Park:Capital Improvements		DDA reviewed plans on January 12 and had further design suggestions. If recommended when brought back to DDA, they will be provided to Council and Consumers for final approval.
MOTOR VEHICLE POOL (MVP)			
2021-MVP2	Vehicle No. 5	Police Explorer	City Council consideration on February 2, 2026.
BUILDING, PROPERTY, EQUIPMENT (B)			
2018-B23	Planning: Zoning Update		Next meeting is February 10 at 4:30 p.m. at City Hall.
2020-B4	DPW: Facility Design/ Construction		Demolition underway at site, delayed due to permits not being received.
2023-B4	Public Participation Plan & Communication Strategy		On hold due to other higher-priority items.
2019-B10	New Servers/ Switches for City Hall		Anticipated for 4Q.
2020-B3	Carpet Replacement		Not started.
2022-B1	ORD: Planning, Subdivision, Signs, STR		To begin after the completion of the zoning ordinance update.
2022-B3	Replacement Tanker 811		Ordered. Possession anticipated in 2027/28 FY.
2023-B5	Business and Resident Guide		To begin after the completion of the zoning ordinance update.
2025-B1	Replacement of Shop Equipment		In Progress.
2025-B2	Window Repair/ Restoration (Library)		Bid package being reviewed by State for distribution in February
Not Anticipated	Library Insurance Repair		City has received the structural engineer's evaluation and is waiting for pricing.

ACTIVE PROJECTS STATUS UPDATES (Projects not coordinated by the city, requiring additional approval)

Project Name	Details
Zoning Text Amendment **PENDING**	Staff is in receipt of an application from Joni and Mark Preston, 344 S. Jefferson, to amend the City of Mason ordinances Part II, Chapter 94, to allow residential balconies extending into private airspace. Staff anticipates that the Planning Commission will hold a public hearing at their regular meeting on Tuesday, March 10, 2026 at 6:30 p.m. on the matter, with City Council Introduction and First Reading at their meeting March 2, 2026 and a Second Reading with consideration to adopt at their regular meeting on Monday, March 16, 2026.

Resources: More Questions? Please contact Customer Service at 517.676.9155 or info@mason.mi.us.

WOLVERINE ENGINEERS & SURVEYORS, INC.
312 NORTH STREET - MASON, MICHIGAN 48854 - PHONE 517.676.9200 - FAX 517.676.9396

January 30, 2026

Ms. Deborah Stuart, Manager
City of Mason
201 W. Ash Street
Mason, MI 48854

RE: City of Mason Water Resources Study

Dear Ms. Stuart:

At the request and direction of the City of Mason, Wolverine Engineers & Surveyors, Inc. has engaged in a Water Resources Study with particular focus on the City's groundwater sourced water supply.

The intent of this study is to outline the potable water needs of the City of Mason over the next twenty (20) years while juxtaposing the capacity of the groundwater resource (forthwith referred to as the aquifer) to meet the demands of the City. The estimated cost to complete this work was approximately $20,000. This cost included Wolverine seeking expertise from Williams & Works, who has extensive experience with hydrogeological studies, groundwater modeling, and the process to site, permit and equipment potable water wells throughout Michigan.

While the Williams & Works *"Groundwater Resource and Capacity Evaluation of the Saginaw Formation Bedrock Aquifer for the City of Mason Source Water Supply"* report has not been finalized, it is timely to update the City on the status and our preliminary results. The final version study is anticipated to be presented by February 6, 2026.

The City of Mason currently has a total of seven (7) production wells that are theoretically capable of producing 1581 gallons per minute (gpm) or 2.277 million gallons per day (MGD); however, the City does not operate any or all of the seven (7) wells simultaneously or on a continuous (24 hours per day, 7 days a week) basis.

The City of Mason's current average day water demand is approximately 672,000 gallons per day. To meet this demand, the City, generally speaking, operates four (4) of the wells approximately 13 hours per day.

Additionally, due to groundwater chemistry, all potable water in the City is treated at the City's water treatment plant. This plant currently has a capacity of 1.5 MGD (1042 gpm) with the ability to expand the treatment capacity to 2.5 MGD by adding additional pressure filters but without the need to expand the physical footprint of the building.

In addition to meeting the demands of the current and potential future population of the City of Mason, the City has a commitment through a court settlement to provide up to 350,000 gallons per day (gpd) to Vevay Township.

Assuming over the next 20 years that (1) the City cannot add any additional well capacity to their portfolio; that (2) the treatment capacity remains capped at 1.5 MGD; that (3) the commitment to Vevay Township remains unchanged; and, (4) the population of the City of Mason grows to 10,300, it is our opinion there would be 200,000 gpd of excess capacity within the City's potable water system beyond what is described here.

Please note, our reviews and conclusions do not account for storage (either at the water treatment plant or within the distribution system) and only considered potable water sources. Other methods of water access, such as wastewater recycling, was not within the scope of this study.

There are numerous subtleties and nuances to the operation and maintenance of a water treatment and distribution system and the opinion offered herein is based upon our professional judgement, experience and the information and data as available to us as of the date of this correspondence.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

WOLVERINE ENGINEERS & SURVEYORS, INC.

Donald B. Heck, P.E.

DBH:ood

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DATA CENTERS IN MASON — Here's What's Really Happening

Confused by all the talk? You're not alone. Here's the straight story:

- **Why Data Centers Are Coming?** Michigan's incentives are designed to attract investment and economic growth within the state with more stringent protections than most other states.
- **Why Mason?** Companies are interested—but they haven't submitted a project and we aren't offering local incentives. They will pay full taxes, which helps stabilize our tax rate, and they must follow local rules to limit impacts. No Non-Disclosure Agreements or Confidentiality Agreements have been signed.
- **Current Situation:** Data centers can already locate in Mason. The City Council is considering a zoning ordinance amendment to address the unique impacts of data center development. The proposed ordinance adds critical protections not found in current city ordinances. We are talking to experts in various fields including environmental, planning, engineering, and the data center industry to make the best ordinance for Mason.
- **Public Input Matters:** Over 15 amendments have already been made based on feedback, and the over 100 submitted formal public comments are being thoughtfully reviewed for possible improvements before final adoption.
- **Bottom Line:** The ordinance doesn't stop — or invite — development. It ensures it's done safely, responsibly, and transparently.

How can I learn more?

- Visit our webpage dedicated to this issue and to see the full text of proposed Ordinance 266: **www.mason.mi.us/M3District**.

Proposed M-3 Zoning District — Ordinance 266

How the Proposed Ordinance Protects Mason:

- Noise, lighting, setback, and buffering standards specific to the impact of this use
- Water, utility, and development safeguards (enforceable legal agreements on water and development)
- Site plan review and agreements that require multiple public steps for any project

What Happens Without It or If We Didn't Move Forward:

Under current rules, any new data center would be regulated solely by M2 zoning, which imposes significantly fewer restrictions - similar to a warehouse or industrial park - and would not include the additional safeguards included in the proposed M3 district.

Your questions answered:

Our FAQ covers over 30 common concerns about everything from **health, water, energy use, noise, financial benefit, and other community impacts.**

To see the answers, scan the QR Code or visit:

www.mason.mi.us/M3District

Questions not on the FAQ? We'll track down the answers!

Contact Customer Service at 517.676.9155 or info@mason.mi.us

City of Mason
201 West Ash Street
Mason, MI 48854-0370

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