

CITY OF MUSKEGON

LEGISLATIVE POLICY COMMITTEE

MEETING

September 23, 2026 @ 5:30 PM
CITY OF MUSKEGON, ROOM 204
933 TERRACE STREET, MUSKEGON, MI 49440

☐ **CALL TO ORDER:**

☐ **ROLL CALL:**

☐ **APPROVAL OF MINUTES:**

A. Approve the minutes of May 27, 2026. City Clerk

☐ **OLD BUSINESS:**

☐ **NEW BUSINESS:**

A. State and Federal Legislative Update Manager's Office

B. Muskegon Farmers Market renovation/expansion project update City Clerk

C. Data Center Moratorium Discussion City Commissioners

D. Virtual Attendance Policy for Public Meetings City Clerk

E. Maximum Lot Widths City Commissioners

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC COMMENT:**

☐ **ADJOURNMENT:**

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY OF MUSKEGON AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk's Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give

comment. Contact information is below. For more details, please visit: www.shorelinecity.com

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting with twenty-four (24) hours' notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or by calling the following:

Ann Marie Meisch, MMC. City Clerk. 933 Terrace St. Muskegon, MI 49440. (231)724-6705. clerk@shorelinecity.com

CITY OF MUSKEGON

LEGISLATIVE POLICY COMMITTEE

MEETING

May 27, 2026 @ 5:30 PM
CITY OF MUSKEGON, ROOM 204
933 TERRACE STREET, MUSKEGON, MI 49440

MINUTES

CALL TO ORDER

ROLL CALL

Present: Mayor Ken Johnson, Vice Mayor Destinee Keener, Commissioners Katrina Kochin, Willie German, Jr., Jay Kilgo, and Rebecca St. Clair. City Manager Jonathan Seyferth, City Clerk Ann Marie Meisch
Absent: Kiley Jackson

APPROVAL OF MINUTES

A. Approve the minutes of February 25, 2026. City Clerk

Moved by Commissioner German, seconded by Commissioner Kilgo to approve the minutes of February 25, 2026.

MOTION PASSES

OLD BUSINESS

NEW BUSINESS

A. Modular Vehicle Barrier System Fees DPW- Parks and Recreation

The cost of closing the road has increased significantly due to the use of the new modular vehicle barrier system (MVBS). Staff gathered historical information on road closures, the costs associated with closures, and practices regarding fee waivers to help provide context as to why the fees have changed. The presentation will include a recommendation from staff regarding a potential way to lower costs for events utilizing the MVBS.

Events could apply for a fee waiver of 25% to 75% off. If denied, they could go

to City Commission for consideration.

Suggestions to add to the current policy:
Modular Vehicle Barrier System Fee Waiver

Eligibility. Only fees associated with a road closure required to use the modular vehicle carrier system are eligible for a partial fee waiver.

Application. Applications are available on the City of Muskegon's website. Applications must be submitted within 30 days of receiving the event invoice.

Processing. Staff will review applications within 30 days and can approve fee waivers based on a point system. Events are eligible for up to 75% waiver for 8 points, 50% waiver for 6 or 7 points, and 25% waiver for 4 or 5 points. Staff may only approve a total of \$25,000 in fee waivers in a fiscal year.

Below is the suggestion from staff:

Fee Waiver Approval. If awarded, the fee waiver would be applied to the current year's invoice. The invoice must be paid within 30 days of the fee adjustment, or late fees may be awarded.

Fee Waiver Denial. If an event believes their application was not awarded the appropriate number of points and corresponding fee waiver, an appeal of the decision can be made to the City Commission. The decision from the City Commission is final.

Point System

1. Is the organization a non-profit? (Y+1)
2. Is the organization located in the City of Muskegon? (Y+1)
3. Does the organization provide services to City of Muskegon residents? (Y+1)
4. Does the organization or event promote/support a minority or disadvantaged group? (Y+1)
5. Is the event free to attend? (Y+1)
6. Does the event generate revenue? (N+1)
7. Has the event or organization incurred additional hardship in the past year? (Y+1)
8. Has the event has fees waived in the past year? (N+1)

Is the event between October and April could be a question.

Some Commissioners suggested removing question seven and eight.

This proposal is for road closures only.

B. Beach Shuttle Promotion Manager's Office

Commissioners tend to have a good presence and following on social media, and staff have ideas where that social media presence could highlight the beach shuttle service being offered. Commissioners are encouraged to ride the shuttle over the summer and post about your experience. Our goal is to increase awareness, drive first-time ridership, and encourage repeat use of the free service. A one-page marketing strategy is included in the packet, and staff directs the commissioners' attention to the opening weekend section.

C. Opioid Settlement Funding Agreement with the County Manager's Office

Since November 26, 2024, the city has allocated a portion of our federal opioid settlement funding to the county's existing opioid settlement grant program. In 2025, the city approved two project applications. The first was to Fresh Coast Alliance in the amount \$55,000, and the second was to Life Align in the amount of \$32,283 for a total of \$87,283. Both organizations were able to utilize this funding for projects that *"supported the development, implementation, enhancement, or expansion of opioid prevention, harm reduction, treatment, and recovery programs and services"* for the benefit of city residents.

The city is expected to receive \$605,256.92 through 2040 from multiple national class action settlements. To-date, the city has received \$210,843.26 and has a balance of \$123,560.26.

The city continues to support these and other organizations that are providing critical services throughout our community. However, the city is researching recovery housing opportunities that could more fully maximize these settlement funds in the long term. Recovery housing services are an eligible use of these settlement funds.

Therefore, staff is seeking feedback from the commission about the possibility of ending the Opioid Settlement Funds Agreement with the county and redirecting the city's settlement allocation to explore recovery housing opportunities in the community.

D. State and Federal Legislative Update Manager's Office

Director Wills provided an update on relevant state and federal issues impacting the City of Muskegon.

E. USS Silversides Exploring a Move Manager's Office

For several years, the USS Silversides Board has been discussing options for the ship's and museum's future. Earlier in 2026, the museum's board voted to explore moving the USS Silversides to Downtown Muskegon, specifically to be

co-located with the USS LST 393. No final decision has been made, and only conversations are occurring.

For decades, the ship has been located on the channel wall near Pere Marquette. The museum itself sits on City property, and there is an agreement between the City and the USS Silversides Museum for use of the property.

Because of this agreement, the USS Silversides Board is asking the City Commission to also signal its support for exploring a move. It is simple to note that the City Commission does not object to the museum moving. Staff would recommend a stance of being supportive of whatever decision the USS Silversides Board makes, and that we have no objection to the board looking at and/or ultimately moving to another location in the City.

The reason this is being asked for is that the Board is trying to head off any narrative that the City isn't supportive of this conversation.

F. Muskegon Social Equity Program Planning

The City has received \$541,155 in Marihuana Excise Tax money for this year. This is down from the \$700,753 the City received last year. For the past several years, the Commission has set aside 25% of this money to go towards the Muskegon Social Equity Program. If the same 25% is set aside this year, that would equal \$135,288.75.

Staff is proposing to fund three programs through the Muskegon Social Equity Program this year. These include:

1. Expungement Clinics provided by G.U.N.S. (\$45,000)
2. Counseling services through Mediation & Restorative Services (\$55,000)
3. A housing intervention program used in conjunction with money from the opioid settlement (\$35,288.75)

Commissioners suggested two expungement clinics instead of three.

Commissioner St. Clair disclosed she serves on Mediation & Restorative Services.

ANY OTHER BUSINESS

June 29th at 5 pm meeting at US Silversides for a possibility of creating Fulton Street as a public road.

Commissioner Kochin stated Mr. Bodman approached her regarding short-term rental fees. He operates both short-term and long-term rentals. Currently in these cases, they must pay the short-term rental fee. He had to pay at the end of December and again in April for the short-term rental fee. He asked for an

exemption from the Commission if possible.

The City Manager indicated that he did have a reduction of \$100 from \$500 to \$400 for his short-term rental fee.

PUBLIC COMMENT

ADJOURNMENT

Respectfully Submitted,

Ann Marie Meisch, MMC City Clerk



Agenda Item Review Form

Muskegon Legislative Policy Committee

Commission Meeting Date: September 23, 2026	Title: State and Federal Legislative Update															
Submitted by: Peter Wills, Director of Governmental Relations	Department: Manager's Office															
Brief Summary: Staff to provide an update on State and Federal legislative activities that impact the city.																
Detailed Summary & Background: Staff to provide an update on State and Federal legislative activities that impact the city.																
Goal/Action Item: 2027 GOAL 3: COMMUNITY CONNECTION - Strong ties among government and community agencies																
Is this a repeat item?: Explain what change has been made to justify bringing it back to Commission:																
Amount Requested: NA	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Yes</td> <td style="width: 25%;"></td> <td style="width: 25%;">No</td> <td style="width: 25%;"></td> <td style="width: 25%;">N/A</td> <td style="width: 25%;"></td> <td style="width: 25%;">X</td> <td style="width: 25%;"></td> </tr> </table>	Yes		No		N/A		X								
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Legislative Report, September 2026

Bill #	Detail	Status
HB 4081	Amends the Land Division Act to authorize counties/municipalities to increase number of parcels resulting from division for the first 10 acres of a parent parcel from four to ten.	Senate floor
HB 4170	Income Tax cut to 4.05%	Senate comm on Finance
HB 4260-61	Public Safety Trust Fund, distribution of funds	Senate Approps since 4/26/25
HB 4311-12	Revenue Sharing Trust Fund, creation of fund	House Gov Ops since 4/15/25
HB 4410	Modifies definition of abandoned property to allow a local unit to secure the property to prevent trespass.	House Gov Ops since 5/1/25
SB 19-22	Tenant Empowerment Package for renters	Senate floor since 6/17/25
HB 4539/40	Modifies housing and community development fund; same as SB 239 from last session	Senate floor since 7/1/26
HB 5305-06	Extends the Commercial Redevelopment Act to 12/31/35 – the date after which a new commercial facilities exemption certificate may be issued. Two local projects are impacted – 356 W. Western Ave (Century Club Bldg) and 1937 Lakeshore Dr. (Harbor Theatre); staff have also had discussions with potential owners of Russell Block building. Sunsets need to be extended. PA 255	House floor 12/9/25
HB 5492-93	Flock camera, license plate readers; operator of the reader system would have to preserve plate data for at least 14 days after a preservation request is made.	2/3/26 House Judiciary
HB 5529-32, 5581-5585	Housing Readiness package – preempt local control HB 5529 – Amends land division act for parcel and lot size HB 5530 – Amends MZEA minimum residential lot size HB 5531 – Amends MZEA site plan approval and limits studies HB 5532 – Amends MZEA protest petition	3/3/26 House Gov Operations Committee

HB 5660-61	MML – HOME Program legislation - partnership between local gov and the state to improve access to housing that is attainable for residents. It supports investment to accelerate housing construction and rehabilitation, while also promoting updates to local zoning regulations.	3/4/26 House Gov Operations Comm
HB 5865	18-bill MI HOPE Zone Act – Helping Opportunity Proper Everywhere https://housedems.com/scott-unveils-legislation-to-foster-hope-revitalize-communities/ Designates economically distressed communities as special zones where tax incentives and reinvested local tax revenue can attract businesses, support job training and fund neighborhood development.	House Gov Operations, 4/22/26
SB 248-256	Creates a low-income water affordability program within DHHS to ensure eligible customers do not pay more than 30% of their household income on a water bill.	Senate floor since 11/5/25
SB 319	Reintroduction of minimum staffing legislation; making minimum staffing levels for PA 312 employees (police and fire) a mandatory topic of collective bargaining.	House Gov Operations since 6/26/25
SB 278	Modifies the housing and community development fund program. MSHDA program that makes financing available to meet the housing needs of low-income households and to finance projects in a downtown area or adjacent neighborhood in the State. The bill would make financing available to middle-income households (not more than 120% AMI) and deleting the requirement that financed projects be in a downtown area or adjacent neighborhood.	House Regulatory Reform, 6/24/26
SB 559-561	Create Revenue Sharing Trust Fund	4/30/26 House Comm on Appropriations
SB 691-698	Election bills – moves primary election date to May; adds a Feb primary election date; eliminates Aug primary election date	3/18/26 House Comm on Election Integrity
SB 792	Extends sunset on OPRA certificate to 12/31/36; obsolete property rehabilitation act	House Reg Reform, 7/3/26
SB 793	PA 198 abatements	House Reg Reform, 7/2/26

LOCAL

Third Street property closing

- On September 16th, the city closed on the acquisition of 3.12 acres of waterfront property at 560 Mart St. The final purchase price, including closing costs, was \$314,111.
- Staff are working with our professional design team at Progressive Companies to develop site improvement concepts. Community input will remain an important part of the process this Fall, including opportunities to review designs and share feedback.

ARPA Community Grant Program

- The city's \$1.6M ARPA community grant program has been completed and all 25 grantees have received their approved funds. - approved grants (\$1.6M)

Muskegon Farmers Market Renovation and Expansion Project

- Staff are working with contractors to develop design concepts for the expansion and renovation of the Market with the assistance of a state grant in the amount of \$481,267.
- These initial funds will be used to transform the facility into a year-round destination that strengthens our local economy, helps small businesses launch and grow, connects Michigan farmers and food producers with more customers, and ensures more families have access to healthy, locally produced food.
- Kitchen 242, a shared-use commercial kitchen and food business incubator, will be increased to support additional food entrepreneurs, year-round production, and small business growth.
- The market barn would include dedicated areas for a permanent fresh market, a ready-to-eat food hall featuring multiple local businesses, a market bar, flexible community seating, improved accessibility, and programming that activates the space throughout the year.
- A community capital campaign is being established to generate additional funds to complete the project.
- Input from area residents, farmers, and stakeholders will help shape the future of this vital space.
- Additional project information can be found at www.GrowingTogetherMFM.com.

STATE

Urban Core Mayors Potential 2027-28 Priorities

- Housing affordability and attainability
- Mental Health services and investments
- Revenue Sharing Trust Fund / Public Safety Trust Fund / Neighborhood Roads Funding
- Underground infrastructure / Water Affordability Trust Fund / Climate Resiliency solutions
- Brownfield redevelopment funding

First Disbursement of Neighborhood Roads Fund

- The first payments from the Neighborhood Roads Fund (NRF) have been sent to local agencies, as part of the new long-term road funding plan aimed at rebuilding Michigan’s state and local roads, bridges, and transit with a nearly \$2 billion annual investment.
- The funding will help to bolster existing road and bridge projects for counties, cities and villages, while also committing additional funding to the following:
 - \$100 million to repair and replace local bridges.
 - \$100 million for public transit, including new transformational projects and local bus operations.
 - \$40 million for rail grade separation projects to improve safety and reduce traffic congestion.

To view the funding breakdown for Michigan cities and villages, click [here](#)

City of Muskegon – July 2026

- Major Street \$409,376.41
- Local Street \$112,547.84
- Total - \$521,924.25

Budget, Economic Development, and Housing legislation signed

Economic Development:

The governor signed legislation to expand local abatement and transformational brownfield programs, allowing more businesses and communities to rehabilitate and redevelop blighted sites.

[Senate Bill 723](#) expands the transformational brownfield program, increases transparency and reporting requirements, and requires approved projects to include annual milestones. The bill also emphasizes affordable housing projects in residential developments while streamlining the entire redevelopment process.

[Senate Bill 721](#) and [722](#) extend the sunsets on the Commercial Redevelopment and Commercial Rehabilitation acts to allow both programs to continue to operate. Both bills incentivize the refurbishing and development of commercial properties at local discretion.

Housing

The governor signed several housing bills that will continue to help communities and the state address housing needs.

Michigan Housing Opportunity Tax Credit: [House Bill 5806](#), House Bill 5807, and [Senate Bill 966](#) establish and implement a state low-income housing tax credit that operates in tandem with the federal credit. Eligible projects must ensure a set number of units are reserved for renters at or below 60% of the area median income. Up to \$42 million a year in credits will be allocated.

Institutional Investors: [House Bill 6074](#) prohibits large institutional investors from purchasing a single-family home in the state.

Beach Nourishment legislation introduced - [HB 5304](#)

House Bill 5304 establishes a framework to encourage the reuse of dredged materials—such as sand removed from harbors—for beach nourishment. The bill also creates a Beach Nourishment Fund, which will serve as a starting point for a broader and much-needed conversation about long-term investments to protect Michigan’s shorelines.

Michigan’s shorelines are eroding at an accelerating rate due to increased storm activity and prolonged high-water periods. Many areas of Michigan’s coastline are approaching critically low sand levels, exposing underlying landforms to permanent, irreversible erosion. Without action, dredged sand used for navigation projects may continue to be disposed of in deep water, effectively accelerating the loss of this vital resource.

Community Redevelopment Tax Credit

- Michigan Community Capital (MCC) is pursuing the creation of a [Community Redevelopment Tax Credit \(CRTC\)](#) to support place-based investment and leverage private capital. The proposal would reform and restart the former Brownfield Tax Credit in the form of the CRTC. The credit would be used to redevelop vacant, blighted, contaminated, and functionally obsolete buildings in communities across Michigan. MCC is a 501(c)(3) nonprofit that exists to promote community and economic development.

Public Safety Revenue Sharing

- In May, the State began sharing information related to the Public Safety Revenue Sharing payments.
- The city is expected to receive **\$292,768 per year**. Funds can be used for operational and capital expenditures that serve the purposes of public safety. A list of Public Safety Revenue Sharing payments by city, village, and townships - [click here](#). Additional information can be found on [Public Safety Revenue Sharing Webpage](#).

FEDERAL

Opportunity Zones

Opportunity Zones are one of the largest federal community development tax incentives in the United States, recently renewed by federal tax changes. Opportunity Zones were designed to mobilize private investments in lower-income communities by incentivizing the reinvestment of capital gains into projects in designated census tracts. Incentives include deferral of tax liability, step-up in basis, and tax-free growth. Qualifying investments include real estate, business expansion, manufacturing, energy, and other projects.

As part of this renewal of Opportunity Zones through federal tax changes, in April the federal government released its list of eligible census tracts under Opportunity Zones 2.0 (OZ 2.0). See map of eligible tracts [HERE](#).

By the end of September, the state will officially nominate up to 25% of those eligible tracts for designation as OZ 2.0 tracts. Designations are set to take effect on January 1, 2027, and will last 10 years; these designations cannot be revised.

Between now and that official nomination, interested parties are encouraged to share their input and recommendations with the State of Michigan via the Michigan Economic Development Corporation. A series of

stakeholder roundtables will be scheduled this summer in each of the state's prosperity regions; these will be coordinated with local housing and economic development organizations as they are scheduled.

21st Century ROAD to Housing Act passage

On June 23, the U.S. House of Representatives passed the 21st Century ROAD to Housing Act, which capitalizes on the local leadership cities nationwide are embracing to confront the housing attainability crisis. The legislation updates and improves programs like Community Development Block Grants and the HOME Investment Partnership Program, removing regulatory roadblocks and increasing local flexibility.

https://www.nlc.org/post/2026/06/24/nlcs-statement-on-the-u-s-house-passing-21st-century-road-to-housing-act/?utm_source=marketingcloud&utm_medium=email&&utm_content=20260627_NL_Weekly&utm_term=Learn+more+%c2%bb&utm_campaign=newsletter

Bill text - <https://www.banking.senate.gov/newsroom/majority/scott-warren-hill-waters-release-updated-bill-text-on-senate-consideration-of-the-21st-century-road-to-housing-act>

MARAD – Port Infrastructure Development Program grant – Muskegon Marine Terminal Freight Infrastructure Revitalization Project

Earlier this summer, West Michigan Dock and Market, in conjunction with the city, submitted an over \$37M grant application to relocate and modernize WMD's existing cargo storage and shipping facility within the Port of Muskegon, replacing a regulatorily constrained terminal with a modern, efficient marine terminal. Expected award notification is December 4, 2026.

Congressional Directed Spending project requests

Earlier this year, staff submitted a request for \$210,000 in federal funding to replace the roof at Central Fire Station. Sen. Gary Peters recommended the project to be advanced for further consideration by the U.S. Senate appropriations subcommittee on Transportation and HUD.

U.S. Department of Energy – Energy Efficiency Community Block Grant

In early May, the city finally received a reimbursement payment from the USDOE in the amount of \$76,45 for the 2024 acquisition of two EV side-by-side utility vehicles.



Agenda Item Review Form

Muskegon Legislative Policy Committee

Commission Meeting Date: September 23, 2026	Title: Muskegon Farmers Market renovation/expansion project update							
Submitted by: Ann Meisch, City Clerk	Department: City Clerk							
Brief Summary: Staff to provide an update on the Muskegon Farmers Market renovation/expansion project.								
Detailed Summary & Background: Staff are working with contractors to develop design concepts for the expansion and renovation of the Market with the assistance of a state grant in the amount of \$481,267. These initial funds will be used to transform the facility into a year-round destination that strengthens our local economy, help small businesses launch and grow, connect Michigan farmers and food producers with more customers, and ensure more families have access to healthy, locally produced food. Kitchen 242, a shared-use commercial kitchen and food business incubator, will be increased to support additional food entrepreneurs, year-round production, and small business growth. The market barn would include dedicated areas for a permanent fresh market, a ready-to-eat food hall featuring multiple local businesses, a market bar, flexible community seating, improved accessibility, and programming that activates the space throughout the year. A community capital campaign is being established to generate additional funds to complete the project. Input from area residents, farmers, and stakeholders will help shape the future of this vital space. Staff have solicited feedback from current Kitchen 242 users along with the city's Farmers Market Advisory Committee. A project open house is scheduled for late October. Additional project information can be found at www.GrowingTogetherMFM.com .								
Goal/Action Item: 2027 Goal 1: Destination Community & Quality of Life								
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Recommended Motion: Discussion Only								

Approvals:

Immediate Division Head	X	
Information Technology		
Other Division Heads		
Communication		
Legal Review		

Name the Policy/Ordinance Followed:



Agenda Item Review Form

Muskegon Legislative Policy Committee

Commission Meeting Date: September 23, 2026	Title: Data Center Moratorium Discussion															
Submitted by: Commissioner St.Clair	Department: City Commissioners															
Brief Summary: Discussion item on the possibility of a citywide data center moratorium.																
Detailed Summary & Background: As Data Centers are proliferating around the country it is important that we be prepared and thoughtful as to how we as a community want to proceed. Over 50 communities in Michigan now have moratoriums in place. This shift could make Muskegon a more attractive option to these types of developments, and we are currently underprepared if such a proposal was made within the city limits. A short-term moratorium would give time to build more permanent regulations in the same way that the short-term rental moratorium offered protection while a longer term solution was developed.																
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**BIG RAPIDS CHARTER TOWNSHIP
MECOSTA COUNTY, MICHIGAN**

DATA CENTER TEMPORARY MORATORIUM ORDINANCE

At a meeting of the Township Board of Big Rapids Charter Township, Mecosta County, Michigan, held at The Township Hall, 14230 Northland Drive, Big Rapids Charter Township, Michigan 49307 on the 23rd day of February, 2026, at 5:00 p.m., the following moratorium was offered by Township Board Member Marek and supported by Township Board Member Bechaz.

An ordinance enacting a temporary moratorium for a period of one year, subject to an extension by resolution, on the permitting, consideration, approval, location, construction, review, and/or installation of any Data Center facilities.

WHEREAS, due to concerns from the public and Township officials about appropriate regulations to regulate Data Centers, among other issues, associated with Data Centers; and

WHEREAS, Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center; and

WHEREAS, the typical physical characteristics of Data Centers include, but are not limited to the following: (1) power systems; (2) cooling systems (3) battery energy storage energy systems (4) use of equipment to cool the hardware and operating space; and/or (5) power generators; and

WHEREAS, the Township has a legitimate purpose in addressing the proper design, size, location, and operation of a Data Center in the Township; and

WHEREAS, the amount of water and energy consumed by, and noise produced by, Data Centers raises concerns that necessary regulations may be required to protect the public health, safety, and general welfare; and

WHEREAS, the Township is reasonably concerned future Data Centers, without proper regulations, would be established in inappropriate or inadvisable locations within the Township; and

WHEREAS, it is appropriate to forestall such issues for the Township and to enact a temporary moratorium on such Data Centers for one year or until any necessary regulations can be enacted; and

WHEREAS, the United States Supreme Court has upheld imposing moratoriums as tool to temporarily pause the consideration of potential development to study appropriate regulations and ordinances. *Tahoe-Sierra Preservation Council v Tahoe Regional Planning Agency*, 535 US 302, 341; 122 S Ct 1465; 152 L Ed 2d 517, 552 (2002). Temporary moratoriums of a year or less in length are generally presumed to be valid; and

WHEREAS, Michigan courts have upheld the enactment of moratoriums to study and adopt new regulations. See *Central Advertising Co v St Joseph Twp*, 125 Mich App 548, 554; 337 NW2d 15 (1983). This includes Michigan courts upholding the enactment of moratoriums even by resolution and have held that the Michigan Zoning Enabling Act does not require moratoriums to be enacted by zoning ordinance amendment due to their temporary nature and governance over ministerial functions. *Metamora Twp v Am Aggregates of Mich, Inc*, ___NW2d___; 2021 Mich. App. LEXIS 2090, at *45 (Ct App, Apr. 1, 2021); and

WHEREAS, the Township determines that the adoption of this moratorium, which is necessary to preserve the public peace, health, and safety, by preventing the inappropriate location and establishment of Data Centers in the Township during the time needed to study and review, due to conditions within the Township.

NOW, THEREFORE, Big Rapids Charter Township, Mecosta County, Michigan, Ordains:

Section 1. Title: This Moratorium shall be known and cited as the Big Rapids Charter Township Data Center Moratorium Ordinance.

Section 2. Definition: Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

Section 3. Moratorium: The Township enacts a temporary moratorium on the permitting, consideration, approval, location, erection, construction, review, and/or installation of all Data Centers in the Township for one year, subject to six month or less extensions by resolution, or the Township's implementation of regulations governing Data Centers. For the purposes of this moratorium, Data Center encompasses all like operations, whether referenced in the Big Rapids Charter Township Zoning Ordinance.

Section 4. Severability: The provisions of this moratorium are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the moratorium which shall continue in full force and effect. In addition to being considered an ordinance upon publication, the above-mentioned provisions shall also be deemed to be passed as a resolution of the Township Board governing an issue on a temporary timeline and regulating the internal affairs of the Township (e.g., when the Township will accept applications for the Data Center land use and when it will schedule the review of such applications versus adoption of new regulations and standards that would bind third parties).

Section 5. Repeal: All ordinances and resolutions or parts thereof in conflict with this Moratorium are hereby repealed.

Section 6: Waiver: In the event that the Township Board decides by resolution to extend this moratorium for an additional period over 12 months, and a landowner will suffer immediate and irreparable harm for the duration of the extension by resolution, or such an extension otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver of the extended moratorium from the Township Board. At a public hearing held on such an application, the landowner must bear the burden of demonstrating immediate and irreparable harm because of the extended moratorium. The Township Board, upon a sufficient showing, may grant a waiver of the extended moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm.

Section 7. Effective Date: The moratorium shall take effect as an ordinance immediately upon passage by the Township Board upon roll call vote and publication.

YEAS: 6

NAYS: 0

ABSENT/ABSTAIN: 1 ABSENT, SAEZ

MORATORIUM ORDINANCE DECLARED ADOPTED.

Bruce Borkovich, Big Rapids Charter Township Supervisor

Hannah Saez, Township Clerk

STATE OF MICHIGAN)
) SS
COUNTY OF MECOSTA)

I, the undersigned, the duly qualified and acting Clerk of Big Rapids Township, Mecosta County, Michigan do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board at a Special Board meeting on February 23, 2026 of which the original of which is on file in my office. Public notice of said meeting was given pursuant to and in full compliance with Act No 267, Public Acts of Michigan, 1976 as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this 23rd day of February, 2026 BV.

Hannah Saez, Clerk
Big Rapids Township

**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

- 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 ten (10) feet and a maximum of twelve (12) 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 Cockspers 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

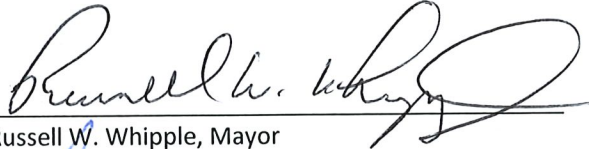
14. Table 100-5. Parking Space Requirements of Chapter 100 Reference Tables and Figures shall be amended as follows:

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 Vercher and supported by Council Member Ferris, with a vote thereon being: YES (5) NO (2), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 2nd day of February 2026. Ordinance No. 266 declared adopted this 2nd day of February 2026.



Russell W. Whipple, Mayor



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

Data Center Moratorium & Ordinance

At its November 18, 2025 meeting, the Wixom City Council moved *“to direct Planning Commission to review the City’s zoning ordinance regulations as it relates to large scale data centers and provide recommendations back to City Council”*.

In addition, On March 24, 2026, City Council approved a Resolution Imposing a Temporary Moratorium for a period of six (6) months on the establishing, permitting, consideration, approval, location, construction, and/or installation of any data centers in the City of Wixom.

At the June 1, 2026 the Planning Commission meeting, the Commission recommended to set a public hearing to formally take public comments on the draft zoning ordinance language. That public hearing was held on Monday, June 29th at 7:00 PM in the Wixom Council Chambers located at City Hall, 49045 Pontiac Trail, Wixom MI 48393.

At the June 29th meeting, Planning Commission approved a series of motions that amended the draft data center ordinance amendments, and approved a recommendation to forward those proposed ordinance amendments to City Council for their consideration at the July 14, 2026 City Council meeting.

At the July 14th City Council Meeting, City Council introduced and held a first reading of the draft ordinance amendments as recommended by the Planning Commission approved a motion to direct City staff to review the proposed ordinance and incorporate, where legal/practical, amendments, comments, recommendations made by other Council members during the meeting and requested that the revised ordinance be brought back to Council for another first reading.

At the August 11th City Council meeting, City Council held a 2nd introduction and first reading of the draft ordinance with the revisions requested by City Council. After discussion, including recommendations from staff regarding adjustments to some of the amendments to the draft ordinance amendments from the July 14th meeting, City Council moved to proceed with the draft ordinance as amended for a second reading and adoption.

At the August 25th City Council meeting, City Council held the Second Reading and Adoption of the draft ordinance amendments. After making a few additional amendments, the draft ordinance was adopted and sent to publication consistent with the City's Charter and the Zoning Enabling Act.

The full draft of adopted ordinance amendments are linked below, and are available for review at the City of Wixom Construction & Development Services Department located at 49045 Pontiac Trail, Wixom, MI 48393 between the hours of 7:15 a.m. and 5:30 p.m., Monday through Thursday. The proposed amendments are summarized as follows:

1. Text amendments to the City of Wixom Zoning Ordinance Section 18.24.030 Definitions C-D. The amendments provide a definition of a “Data Center” for the purpose of establishing regulations for large scale data processing, computer server, data storage system, telecommunication equipment, and associated infrastructure uses. These uses include the processing, storage, or transmission of digital information. Such facilities may include backup power generation, cooling systems, fuel storage, and security infrastructure.

The definition does not include server rooms or data-processing facilities that are accessory and incidental to a primary permitted use.

2. Text amendments to the City of Wixom Zoning Ordinance Section 18.09.020 Schedule of uses. The amendments establish Data Centers as Special Land Uses in the M-1 (Light Industrial) and M-2 (General Industrial) zoning districts that require specific review by the Planning Commission, adherence to specific standards, and a public hearing be held in conjunction with consideration of the Special Land Use request. Data Centers would not be a permitted or Special Land Use in any other zoning districts.
3. Adding Section 18.09.040.N Standards applicable to specific uses to the City of Wixom Zoning Ordinance. These sections will provide specific use standards for Data Centers. Standards reference minimum distances from residentially zoned properties, required noise studies, noise regulations, cooling system design, anticipated utility usage and capacity verification, traffic analysis, security measures, and decommissioning plans.

Below are links to relevant documents related to the ordinance discussions at City Council and the adopted Ordinance Language:

- [City Council Agenda Packet with presentation slides - July 14, 2026](#)
- [City Council Agenda Packet with presentation slides - August 11, 2026](#)
- [City Council Agenda Packet with presentation slides - August 25, 2026](#)
- [Clean - Final Adopted Ordinance Amendments 2026-01](#)
- [Redline - Final Adopted Ordinance Amendments 2026-01](#)
- [Resolution 2026-47 Clarifying Terms of Termination of Moratorium](#)

Below is a list of the Planning Commission and City Council meetings where data center ordinance amendments have been discussed:

- [December 15, 2025](#) - Planning Commission
- [January 21, 2026](#) - Planning Commission
- [February 18, 2026](#) - Planning Commission
- [March 16, 2026](#) - Planning Commission
- [April 6, 2026](#) - Planning Commission
- [April 20, 2026](#) - Planning Commission
- [June 1, 2026](#) - Planning Commission
- [June 29, 2026](#) - Planning Commission
- [July 14, 2026](#) - City Council
- [August 11, 2026](#) - City Council
- August 25, 2026 - City Council (will be posted when available)

Persons having any questions regarding these matters are urged to attend this meeting or contact Construction & Development Services at (248) 624-0880.

A RESOLUTION DIRECTING WASHTENAW COUNTY STAFF TO DEVELOP INFORMATIONAL
OUTREACH MATERIALS ON DATA CENTERS FOR LOCAL MUNICIPALITIES AND URGING
LOCAL MUNICIPALITIES TO REQUIRE A SET OF RECOMMENDATIONS FOR DATA CENTER
APPROVAL

WASHTENAW COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 17, 2025

WHEREAS, on November 18, 2018, the Washtenaw County Board of Commissioners (“BOC”) established the Washtenaw County Environmental Council (“WCEC” or “Council”) by a unanimous vote; and

WHEREAS, the Council was tasked with “developing recommendations for environmental policy and organizational recommendations for Washtenaw County government in order to: achieve net-zero emissions for County operations, reduce county contributions to climate change; protect the County’s air, land, water, food network, and both mental and public health as related to the environment; and prioritize environmental justice, and intergenerational justice related to the environment”; and

WHEREAS, the Council is also tasked with developing and maintaining “input and dialogue with the wider Washtenaw County community”; and

WHEREAS, the Council has a dedicated Labor seat, and the *Resilient Washtenaw* plan commits the County to working with community partners from labor; and

WHEREAS, in a presentation to the WCEC made on May 27, 2025, Michelle Martinez of UM SEAS summarized the potential harms of data centers:

- Rapid growth in direct and indirect energy consumption associated with data centers high energy use can put a strain on existing local infrastructure leading to prices hikes, overload, resource prioritization issues, and increased emissions from downstream power sourcing
 - This additional energy consumption would make the county’s goal to achieve carbon neutrality by 2035 much harder, and possibly impossible, to reach.
- With wholesale electrical costs rising on average 20% in areas which have data centers, Washtenaw County will likely see large increases in energy usage. Without guardrails in place, the burden of paying for this will fall on County rate payers.
- Data center operations rely on both the significant intake and outflow of water for system cooling leading to unregulated issues of resource consumption, water quality impairment, or run-off. For instance, a data center in Newton County, GA is using 9 million gallons per day, equal to 30,000 households (NYT).
- Data center generators can run from 85-100 dBA (a dBA is a measure of sound levels). That far exceeds safe levels which are capped at 70 dBA. The sound can be detected up to 3 miles away. These high levels can impact surrounding communities, causing headaches, stress and

sleep disturbances, as well as anxiety, memory, concentration issues, increased diabetes risk, and cardiovascular risks and decreased growth hormones in children. Wildlife are also harmed by the sound levels, which disrupt animal communication and can force new migration patterns.

- Data centers are projected to cause nearly 1,300 deaths annually in the U.S. by 2030, resulting in a public health burden of over \$20 Billion; and

WHEREAS, at least four data centers — two in Ypsilanti Township, one in Saline Township and one in Augusta Township — were known to be proposed or in development in Washtenaw County at the time this Resolution was approved by the WCEC.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners direct staff to prioritize development, with review and input by the Washtenaw County Environmental Council, of informational outreach materials for local governments, which have the relevant zoning authority, in order to support their due diligence in reviewing rezoning requests and proposed site plans for data centers. Those materials are to include recommendations that local municipalities require petitioners to:

- Submit data on expected water use and water sources,
- Submit data on energy use and planned sources for their operation,
- Submit an environmental impact statement detailing potential impacts on water resources, (including surface water and groundwater quality and quantity), air quality, surrounding wildlife,
- Submit a noise study detailing impacts of noise and low-frequency vibrations on surrounding property owners, taking account of cumulative noise, not only additive noise,
- Hold at least two accessible, well-publicized public hearings, prior to which they release the above data, statements and studies.

BE IT FURTHER RESOLVED, the Board of Commissioners direct staff to develop an outreach plan for the above materials, to be implemented with some urgency, and to brief both the WCEC and the BOC on the outreach.

BE IT FURTHER RESOLVED, the Board of Commissioners urges local governments, as part of any approval process for data centers to require:

- Require data center developers and operators to publish Water Use Effectiveness measurements at least quarterly,
- Require data center developers and operators to source 100% of their energy from wind, solar, battery, or geo-thermal sources,
- Require data center developers and operators to commit to not using water-wasteful evaporative cooling technology,
- Require data center developers and operators to pay their fair share of any energy consumption over and above their own sources,
- Require data center developers and operators to pay for grid infrastructure, including but not limited to, new or additional electrical substations,

- Require data center developers and operators to commit to union agreements and local hiring targets,
- Require setbacks for buildings, associated new substations and backup generators, and other noise and low frequency vibration mitigating technologies and protections for both workers and community residents,
- Require data center developers and operators to provide resources to local governments for their provision of any extra first responder/emergency services and all initial and ongoing infrastructure costs, with particular attention to cases in which the data center may be exempt from local taxing authority.



Agenda Item Review Form

Muskegon Legislative Policy Committee

Commission Meeting Date: September 23, 2026	Title: Virtual Attendance Policy for Public Meetings															
Submitted by:	Department: City Clerk															
Brief Summary: We have a policy in place allowing citizens to request to join meetings by Zoom. Looking to have a conversation regarding the logistics of accommodating these requests.																
Detailed Summary & Background:																
Goal/Action Item: 2027 Goal 1: Destination Community & Quality of Life																
Is this a repeat item?: Explain what change has been made to justify bringing it back to Commission:																
Amount Requested: N/A	Budgeted Item: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Yes</td> <td style="width: 25%;"></td> <td style="width: 25%;">No</td> <td style="width: 25%;"></td> <td style="width: 25%;">N/A</td> <td style="width: 25%;">X</td> <td style="width: 25%;"></td> </tr> </table>	Yes		No		N/A	X									
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Recommended Motion: Discussion Only																
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from conduct that disrupts, delays, or interferes with the orderly conduct of the meeting. The Chairperson may call to order any person who is being disorderly by (i) speaking when not recognized by the chair; (ii) otherwise disrupting the proceeding by failing to be germane; (iii) by speaking longer than the allotted time; or (iv) by engaging in unprotected speech, including, but not limited to, true threats, fighting words, or legally obscene material. Such persons shall thereupon be seated until the Chair shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he or she shall not be permitted to speak at the same meeting, except upon special leave by the Commission. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the Police Department to remove the person from the meeting.

F. VIRTUAL CITIZEN PARTICIPATION:

1. GENERAL

A staff member of the City Clerk's Office will be at all meetings requiring virtual participation unless staff indicates they do not need assistance.

2. LIVE MEETINGS

For live meetings broadcast on television and/or streamed on social media, a telephone number will be assigned to give the ability for the public to call in and provide three minutes of comment.

3. ALL OTHER MEETINGS

For all other meetings subject to the Open Meetings Act, a citizen must send a request to the City Clerk's Office at least two business days in advance of the meeting. Request for virtual participation will be granted for meetings not broadcast on television and/or streamed on social media. ~~only be granted in the case of ADA accommodation or active duty military personnel.~~ The City Clerk will provide a zoom link to each individual who requests it. Those participating by zoom will be muted until the public comment period. Information detailing how a request can be made will be placed on the city's website, meeting notice, and social media.

G. AGENDA

1. PREPARATION

The City Manager and City Clerk shall prepare an agenda for each regular, Legislative Policy Committee, or special meeting of the City Commission. The deadline for submitting items for Commission agenda is 4:00 pm on the Monday eight days prior to the Commission meeting. Agenda items from Commission members should be submitted in writing by this same time to the City Manager. The deadline for submitting items for the LPC meeting is 4:00 pm on the Tuesday eight days prior to the LPC meeting. Items submitted by the Mayor will be included upon request, and items submitted by any other Commissioner will require at least 2 additional Commissioners to support the addition of the item. Requested items will appear on a meeting agenda within three meetings after the request is made as long as all necessary documents are included.

2. DISTRIBUTION

Agendas, ordinances and all related background material will be delivered to City Commission members, via email, the Tuesday before the scheduled regular meeting, the

Virtual Public Participation Policy

This policy sets forth instructions to give citizens the ability to participate at city meetings virtually.

For live meetings on television and/or social media, a telephone number will be assigned to give the ability for the public to call in and provide three minutes of comment.

For all other meetings subject to the Open Meetings Act, a citizen must send a request to the City Clerk's Office at least two business days in advance of the meeting. The City Clerk will provide a zoom link to each individual who requests it. Those participating by zoom will be muted until the public comment period. Information detailing how a request can be made will be placed on the City's website, meeting notice, and social media.

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Adopted December 13, 2022

Ann Marie Meisch, MMC
City Clerk



Agenda Item Review Form

Muskegon Legislative Policy Committee

Commission Meeting Date: September 23, 2026	Title: Maximum Lot Widths						
Submitted by: Commissioner Kilgo	Department: City Commissioners						
Brief Summary: Discussion regarding how the City's recent changes to maximum lot widths impact various properties around the city. Should the maximum lot width be increased?							
Detailed Summary & Background: The city currently has a 60-foot maximum lot width, which may be too restrictive given the diversity of buildings and development in the city. Many lots throughout the City, particularly in established neighborhoods, are 65, 70, or even 75 feet wide and fit naturally within a city block. Increasing the maximum lot width to 90 or 100 feet would provide greater flexibility and allow for more diverse development opportunities. The City was very progressive in reducing the minimum lot width to 33 feet. However, development should not be limited by a maximum lot width of only 60 feet.							
Goal/Action Item: 2027 Goal 2: Economic Development Housing and Business							
Is this a repeat item?: Explain what change has been made to justify bringing it back to Commission:							
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