

CITY OF MASON
ORDINANCE NO. XXX

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:

Sec. 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.*

- (1) 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.
- (2) Height. The overall height of any freestanding sign shall not exceed 20 feet above grade.
- (3) 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.
- (4) Multiple business signs. Two or more businesses located on the same parcel of land shall be permitted to share a single freestanding sign identifying those

individual businesses, provided said sign does not exceed 52 square feet in sign area and ten feet in height above grade.

(3) *Wall signs.*

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

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

Sec. 58-129. Off-premise signs.

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

- (1) Off-premise signs located within 900 feet of a limited access highway interchange shall comply with the following:
 - a. Number. Not more than one off-premise sign shall be permitted on a single parcel, provided each off-premise sign shall be spaced a distance of 600 feet from another off-premise sign on the same side of a street or 300 feet from another off-premise sign on the opposite side of a street. Sign spacing shall be measured along a line parallel to the right-of-way of said street.
 - b. Height and area. An off-premise sign and its structure shall not exceed an overall height of 25 feet. The sign area shall not exceed 300 square feet.
 - c. Placement. An off-premise sign shall be setback at least 35 feet from a public or private road right-of-way and shall not be closer than 500 feet from the property line of a residentially zoned or used property.
- (2) Off-premise signs located farther than 900 feet from a limited access highway interchange shall comply with the following:
 - a. Number. Not more than one off-premise sign shall be permitted on a single parcel.

- b. Height and area. An off-premise sign and its structure shall not exceed an overall height of ten feet. The sign area shall not exceed 40 square feet.
 - c. Placement. Setback standards shall be consistent with section 58-128(4).
- (3) For the purposes of this section, distance to a highway interchange shall be measured by a straight line drawn from the nearest point of the interchange right-of-way of an on or off ramp to the farthest point of the sign.
- (4) Illumination. Off-premise signs may be directly or indirectly illuminated. All indirectly illuminated signs shall be constructed, designed, installed and maintained so as to concentrate the illumination upon the sign surface. The light source shall not be visible beyond the property line of the site or from any public or private road right-of-way.
- (5) Clear vision area. Off-premise signs shall comply with the clear vision area described in section 94 172(d)(3) in chapter 94 of this code and figure 100-103 in chapter 100 of this code.
- (6) Nothing contained in this ordinance shall permit a sign or sign structure that is otherwise prohibited by the State Highway Advertising Act of 1972, 1972 PA 106, or shall require or cause the removal of lawfully erected signs or sign structures permitted under said act.

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

Article IV. Zoning District Regulations

Sec. 94-121. General intent and purpose, permitted uses, and dimensional regulations.

Sec. 94-122. AG: Single-family agriculture district.

Sec. 94-123. RS-1, RS-2, RS-3: Single-family residential districts.

Sec. 94-124. R2F: Two-family residential district.

Sec. 94-125. RM: Multiple-family residential district.

Sec. 94-126. MH: Manufactured home park residential district.

Secs. 94-127—94-130. Reserved.

Sec. 94-131. O-1: General office district.

Sec. 94-132. O-2: Specialized office district.

Secs. 94-133—94-140. Reserved.

Sec. 94-141. C-1: Central business district.

Sec. 94-142. C-2: General commercial district.

Sec. 94-143. C-3: Local commercial district.

Secs. 94-144—94-150. Reserved.

Sec. 94-151. M-1: Light manufacturing district.

Sec. 94-152. M-2: General manufacturing district.

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

Secs. 94-154—94-160. Reserved.

Sec. 94-161. PUD: Planned unit development district.

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

Sec. 94-61. Establishment of districts.

The following zoning districts are hereby established for the city:

AG district: Single-family agriculture district
RS-1 district: Low density single-family residential district
RS-2 district: Medium density single-family residential district
RS-3 district: High density single-family residential district
R2F district: Two-family residential district
RM district: Multiple-family residential district
MH district: Manufactured home park residential district
O-1 district: General office district
O-2 district: Specialized office district
C-1 district: Central business district
C-2 district: General commercial district
C-3 district: Local commercial district
M-1 district: Light manufacturing district
M-2 district: General manufacturing district
M-3 district: Technology innovation district
PUD district: Planned unit development district.

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

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

(a) *Intent and purpose.*

- (1) The purpose of this district is to provide an appropriate regulatory environment for large scale, infrastructure-intensive technology uses, including engineering, design, research, and development, and data processing and computer centers. These uses are characterized by continuous operations, significant utility demand, heightened security requirements, and limited visitation by the general public.
- (2) Advances in technology have created land uses that share certain characteristics with both office and industrial uses, but which, due to the number, scale, and operational requirements of associated structures and equipment, may not function adequately or compatibly within other zoning districts. While these uses are generally more intensive than traditional office uses, they are typically less intensive than conventional industrial uses in terms of employee density, traffic generation, and routine public interaction.

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

(b) *Uses permitted by right.* Uses permitted by right in this district shall be limited to agricultural uses and shall not include retail, goods distribution, or other high-traffic commercial uses.

(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.*

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

(2) 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.

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

(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 a special use permit shall comply with the requirements of section 94-191 and 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) Include a proposed construction schedule and identification of proposed construction and ongoing maintenance routes from the nearest arterial road, as detailed on a map.
 - (5) Include a decommissioning plan as described in subsection (s) below.
 - (6) Include an emergency response plan as described in subsection (t) below.
 - (7) No special use permit 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.
- (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.
- (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 forty-five (45) feet. The building height may be increased if setbacks from the property boundary shared between this district and a property with a residential use, an agricultural use, a residential zoning district, or an agricultural zoning district are increased by one hundred and fifty (150) feet for each five (5) foot increase in building height. There are no exceptions 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, an agricultural use, a residential zoning district, or an agricultural zoning district.

a. The minimum setback for buildings and structures on a parcel with a minimum of fifty (50) contiguous acres shall be three hundred (300) feet. A berm shall be placed in the setback area along the district boundary in compliance with this section.

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

c. *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 native evergreen trees, shrubs, and natural grasses. Evergreens should be arranged in a manner to reduce the risk of wind damage to the trees. 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 the following may be planted on a berm without written permission of the tree commission: Norway Spruce, White Pine, and Red Pine.

- ii) Minimum size at installation shall be ten (10) feet in height for evergreen trees and thirty (30) inches in height for shrubs. Evergreen and shrub height at the time of installation and as expected four (4) years after planting shall be noted in the site plan submission.
- iii) A natural grass mix requiring minimal mowing is to be seeded on the entire surface of a berm.
- iv) The owner shall provide for appropriate maintenance of a berm and any required plantings and landscaping.

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

- i) *Berm grading.* Berm grading may gradually undulate horizontally and vertically between the minimum and maximum heights required in this section.
- ii) If minimum berm height requirements cannot be met around the entirety of the site, plantings that provide one hundred percent (100%) opacity at full foliage may be utilized to meet the screening requirements, however, this condition shall not exceed thirty percent (30%) of the required berm area.
- iii) Breaks in, and/or tapering of, berms may occur at vehicular and pedestrian access points subject to the approved site plan.

4. *Access point screening.* Where a vehicular access point is adjacent to 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.

(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, an agricultural use, a residential zoning district, or an agricultural 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 native evergreens, 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 for berm landscaping, except that no berm is required, in section 94-153(l)(2)(d)(2) for species selection and placement, opacity and height above grade, minimum tree size, site plan submittal requirements, maintenance, and professional confirmation that the design will meet requirements, except that no berm is required.
 - c. A natural grass mix requiring minimal mowing is to be seeded within the screen planting area.
 - d. The owner shall provide for appropriate maintenance of the screen planting area and any required plantings.
- (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) *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.
- (6) *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 an emergency operation as dispatched by the regional transmission operator. Under no circumstances shall any generator be operated for the purpose of supplying electricity for ongoing operations, including for purposes of demand response, load shedding, peak shaving, or similar activity.
- 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.
- c. Generators shall be fully enclosed within a masonry or concrete building (minimum sound transmission class (STC) 50).
- d. Generators shall be set back one thousand (1,000) feet from property lines. If geographically impossible, a minimum of five hundred (500) feet is permitted only with enhanced engineering (acoustic doors STC 55+, louvers, liners).
- e. Super-critical reactive silencers and 95% isolation mounts are mandatory.

(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.*

a. Definitions:

- 1. Historic master baseline: ambient noise levels recorded at the project boundary prior to any site clearing or construction.
- 2. Infrasound: sound energy below 20 hertz (Hz), perceived as physical vibration or ear pressure.
- 3. LAeq / LCeq / LZeq: average A, C, and unweighted equivalent sound energy (facility noise).
- 4. LA90 / LC90 / LZ90: the sound level exceeded 90% of the time (background quiet).
- 5. Neutral third-party consultant: an Institute of Noise Control Engineering board-certified acoustical engineer with no ties to the applicant within the last five years.
- 6. Peak particle velocity (PPV): the measurement of the maximum instantaneous peak of a vibration signal.

b. Establishment of historic master baseline.

1. Neutral selection. The study shall be performed by a neutral third-party consultant selected by the city engineer and funded by an applicant-paid escrow account.
 2. Scope. The study shall monitor seven (7) consecutive days, recording A, C, and unweighted 1/3 octave bands from 6.3 Hz to 20,000 Hz.
 3. Statistical baseline. The L90 statistical descriptor shall be used as the reference baseline to identify the true residual quiet of the site.
 4. Weather exclusion. Data during precipitation or wind exceeding eleven (11) miles per hour (5 meters/second) shall be excluded.
- c. Pre-development predictive modeling.
1. Full build-out. Prior to any permit, the applicant shall submit an ISO 9613-2 model for the entire campus at full operational capacity.
 2. Isopleth mapping: the report shall include sound contour maps illustrating predicted levels two thousand (2,000) feet beyond all property lines.
 3. Performance bond. Applicant shall provide a performance bond as a guarantee that the facility's post-development facility noise output is equal to, or less than, the pre-development predictive model. The bond shall be equal to 110% of the total estimated cost for the design, materials, and installation of all noise mitigation measures identified in the predictive sound modeling report. This estimate must be prepared by a neutral third-party consultant and approved by the city prior to the issuance of any building permits.
- d. Permissible noise limits (general and audible). Facility noise (Leq) at any adjacent property line shall not exceed the stricter of:
1. Audible limit: facility LAeq $\leq$ historic LA90 + 3 decibels.
 2. Low-frequency limit: facility LCeq $\leq$ historic LC90 + 5 decibels.
 3. Absolute daytime ceiling: 50 dBA / 60 dBC during all daytime hours.

4. Absolute nighttime ceiling: 40 dBA / 50 dBC during all nighttime hours.
5. Regulatory floor: no requirement to attenuate facility noise below 30 dBA.
6. Tonal penalty: A 5 dB penalty shall be added to any measured facility LAeq level if Fast Fourier Transform Analysis identifies a prominent discrete tone (a distinct hum, whine, or drone) in the audible range.
7. Regulatory time periods:
 - i) Daytime hours: 7:00 a.m. to 7:00 p.m. on weekdays; 9:00 a.m. to 8:00 p.m. on Saturdays, Sundays, and legal holidays observed by the city.
 - ii) Nighttime hours: 7:00 p.m. to 7:00 a.m. on weekdays; 8:00 p.m. to 9:00 a.m. on Saturdays, Sundays, and legal holidays observed by the city.
- e. Infrasound “no-net-increase” (hard cap).
 1. Zero (0) decibel limit: for each individual 1/3 octave band between 6.3 Hz and 31.5 Hz, the facility LZeq (average) shall not exceed the historic master baseline LZ90 (background quiet).
 2. Absolute ceiling: in no case shall any individual 1/3 octave band exceed the levels established in Table A.

TABLE A: 1/3-OCTAVE BAND CEILING (LZeq)								
6.3Hz: 85dB	8Hz: 77dB	10Hz: 71dB	12.5Hz: 65dB	16Hz: 60dB	20Hz: 55dB	25Hz: 50dB	31.5Hz: 44dB	40Hz: 39dB

- f. Periodic testing or exercising of equipment. Except as expressly mandated by applicable state or federal environmental or safety regulations, routine operation of generators for maintenance and testing is only allowed Monday through Friday from 10:00 a.m. to 4:00 p.m. and shall not exceed a total of six (6) hours in aggregate within any calendar month for the facility. All such testing shall comply with the applicable sound level limits of section 22-32.

- g. Ground mounted mechanical equipment, including blowers or generators, shall be enclosed in sound absorbing walls and designed to attenuate noise heard on adjacent properties outside of this district.
- h. Ground mounted mechanical equipment, including blowers and generators, shall be set back from an adjacent street right-of-way or the boundary of an adjacent property outside of this district pursuant to section (l)(2)a and, to the extent possible, located within the interior of the building layout to minimize noise heard on surrounding properties.
- i. Post-construction verification and compliance.
 - 1. Compliance study. Within 90 days of commencement of routine operations, the applicant shall fund a post-construction study by a neutral third-party consultant to verify "as-built" compliance under maximum load.
 - 2. Bond release. The performance bond shall not be released until the city certifies the facility is in full compliance with all noise and vibration standards.
- j. 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.

(4) *Vibration.*

- a. All ground-mounted mechanical equipment, including but not limited to generators, chillers, and primary cooling banks, shall be mounted on a vibration-dampening platform, spring-isolated inertial base, or other suitable device designed to decouple the equipment and prevent the transfer of structural vibration into the ground.
 - b. Ground-borne vibration produced by the facility shall not exceed the levels established in the historic master baseline. Notwithstanding the baseline results, in no case shall post-development vibration levels exceed 0.005 inches/second PPV at the property line or any adjacent street right-of-way.
 - c. Pre-development and post-development studies shall be conducted to establish a definitive vibration baseline and to verify compliance during routine operations. Measurements shall be taken at multiple locations along each property boundary and street right-of-way.
 - d. Data must be recorded and evaluated separately for daytime hours (7:00 a.m. to 7:00 p.m.) and nighttime hours (7:00 p.m. to 7:00 a.m.) to account for varying ambient conditions.
 - e. All vibration studies shall be performed by a neutral third-party consultant selected by the city and funded by the applicant. Studies shall be performed and evaluated pursuant to ANSI S2.71 (Guide to the Evaluation of Human Exposure to Vibration in Buildings) using tri-axial seismic sensors. Final metrics and sensor placement must be approved by the city engineer in advance.
 - f. Post-development ground vibration levels shall not exceed pre-development baseline levels at any frequency.
- (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) A facility that remains inactive for more than 15 consecutive months must be decommissioned unless otherwise approved by the planning commission at a public hearing. If decommissioned, the site must be restored to pre-development conditions or repurposed for permitted uses.
- (t) *Emergency response plan.* An emergency response plan shall be provided to the city prior to any ground disturbance at the project site detailing the planned response actions that will be taken by facility representatives in the event of an emergency. These actions are intended to minimize health risks to personnel and people in the surrounding community, as well as minimize adverse impacts to the environment.
- (1) The plan shall include, but is not limited to, a detailed narrative of response procedures and the facility representatives responsible for management of the following plausible contingencies that could occur at the facility:
 - a. Natural disaster/severe weather.
 - b. Fire.
 - c. Lithium-ion battery fire.
 - d. Security incident.
 - e. Capacity/transmission.
 - f. Environmental.
 - g. Chemical.
 - h. Pipeline (if applicable).
 - i. Medical.
 - (2) The plan shall include procedures for a site evacuation, city and surrounding community notice, designated egress routes, and emergency staging areas.
 - (3) The plan shall include a stand-alone section detailing the emergency response protocols specific to battery energy storage areas (if applicable).

- (4) The plan shall be developed in coordination with local first responders, Ingham County Office of Emergency Management and Ingham County Health Department personnel.
 - (5) Notwithstanding anything in this section to the contrary, the applicant may redact confidential or proprietary information from any submission hereunder.
 - (u) *Signs*. Wall signs in this district shall be limited to a maximum size of eight hundred (800) square feet.
 - (v) *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	C	C	C	C	C	C	C	B	C
M-2	D	D	D	D	D	C	C	C	C	C	C	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.