



**MARSHALLTOWN
MORE THAN EVER**

**CITY OF MARSHALLTOWN
PLAN ZONING COMMISSION
NOTICE OF PUBLIC MEETING
CITY HALL COUNCIL CHAMBERS
10 WEST STATE STREET
SEPTEMBER 17, 2026, 5:00 PM**

AGENDA

CALL TO ORDER

ROLL CALL

Jon Boston, Mahala Casady, Deirdre Gruendler, Benjamin Harris-Medina, Patrick Streit, Stephen Valbracht, Marty Wymore

APPROVAL OF MEETING MINUTES

1. Approval of August 6, 2026 Meeting Minutes
2. Approval of August 13, 2026 Meeting Minutes
3. Approval of August 27, 2026 Meeting Minutes

BUSINESS

4. Work Session on Data Center Regulations

ADJOURNMENT

MISSION STATEMENT

The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

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HOUSING & COMMUNITY DEVELOPMENT

Mike Ladehoff, Mayor
Carol Webb, City Administrator
Deb Millizer, Director
Clayton Ender, Assistant Director
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Meeting Minutes – Plan Zoning
Thursday, August 6 2026, 5:00 pm
City Hall, City Council Chambers
10 West State Street, Marshalltown, IA 50158

1. Call to Order

Chair Jon Boston called the meeting to order at 5:00 p.m.

2. Roll Call

Present: Jon Boston, Deirdre Gruendler, Benjamin Harris-Medina, Mahala Casady, Patrick Streit, and Stephen Valbracht.

Commission vacancy: Matthew Brodin resigned from the Planning and Zoning Commission.

Staff present: Deb Millizer, Housing and Community Development Director, and Clayton Ender, Assistant Director of Housing and Community Development and Zoning Administrator.

3. Public Hearing and Recommendation on Ordinance No. 15123, Temporary Data Center Moratorium

Clayton Ender presented the proposed amendment to Chapter 156 of the Code of Ordinances establishing a temporary moratorium on new data centers and substantial expansions of existing data centers. He reviewed the proposed definitions, development approvals covered by the moratorium, treatment of pending applications, limited exceptions, enforcement provisions, and the proposed expiration date of November 23, 2026. The ordinance would allow the City Council to extend the moratorium one time for up to 60 days by resolution if additional time is needed to complete review or approval of permanent regulations.

Ender stated that the City had no pending data center applications. He explained that ordinary repair and maintenance of an existing facility would remain permitted so long as the work did not constitute a substantial expansion. Staff recommended that the City Council waive the second and third readings because of the temporary nature of the ordinance and the limited time available to develop permanent regulations.

Chair Boston opened the public hearing at 5:10 p.m. The following comments were received:

Leigh Bauder, Marshalltown: Supported the moratorium and emphasized the importance of full disclosure, public education, and having enough information to make informed decisions. She described the issue as a long term community decision.

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Erin Carpenter, 802 North Fourth Street: Strongly supported the moratorium and encouraged a proactive planning approach. He stated that the current code was not prepared for the demands associated with large data centers and supported waiving the second and third readings so the moratorium could take effect sooner.

Linda Clark, Marshalltown: Supported transparency and a careful review process, but opposed waiving the second and third readings. She encouraged the City to slow the process and allow additional time for review.

Roberto Gonzalez, 214 North 15th Street: Encouraged the Commission not to rush the process and to make sure the regulatory framework is complete before moving forward.

Nancy Adams, 2701 West Main Street: Supported the moratorium as a way to provide more time to gather information and evaluate the quality and accuracy of the information before decisions are made.

Layne Pieri, 20 State Street: Supported the moratorium and stated that the number of issues requiring review might make an extension necessary. She noted that future regulations should consider impacts on residential areas and other sensitive uses.

Maggie Valentine, 2345 Whispering Oaks Road: Supported the moratorium and asked when the public would have an opportunity to comment on the substance of future data center regulations. Chair Boston identified the August 27 community roundtable, future public hearings, an anticipated public open house, and the City Council ordinance process as additional opportunities for public input.

Annie Grisham, 2125 290th Street, Melbourne: Supported the moratorium and encouraged waiving the additional readings so the temporary moratorium would take effect sooner. She expressed concern about a potential project moving forward before the moratorium was in place.

Chair Boston closed the public hearing at approximately 5:20 p.m.

The Commission discussed the City's current regulatory process. Ender explained that, under existing zoning regulations, a data center would currently be classified as a major utility and would require a special use permit. The process would include staff review, public proceedings, a recommendation from the Planning and Zoning Commission, and final action by the Board of Adjustment.

Gruendler asked about the status of the 2026 Reimagine MarshALLtown Comprehensive Plan. Ender stated that the plan was scheduled for public hearing before the Commission on August 13, 2026, before proceeding to the City Council. The Commission also discussed the draft plan's treatment of industrial development and emerging technologies.

Valbracht asked whether the moratorium would prevent City staff or officials from communicating with prospective developers. Ender clarified that the moratorium would apply to development approvals, including permit applications, zoning amendments, rezoning requests, site plans, development plans, subdivision approvals, special use permits, variances, building permits, grading permits, utility extension approvals, certificates of occupancy, and other City authorizations related to establishing, constructing, expanding, or operating a data center. The moratorium would not prevent discussions with prospects or information gathering.

Stephen Valbracht moved to recommend approval of Ordinance No. 15123 establishing the temporary data center moratorium and to recommend that the City Council waive the second and third readings. Deirdre Gruendler seconded the motion. The motion passed unanimously, 6 to 0, with Boston, Casady, Gruendler, Harris-Medina, Streit, and Valbracht voting yes.

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Chair Boston clarified that the proposed moratorium applies within the City of Marshalltown and does not apply to property under Marshall County jurisdiction.

4. Data Center Regulation Work Session

Ender introduced the first work session focused on development of potential permanent data center regulations. He recommended a process that begins with identifying community goals, followed by research and analysis, and then policy development and implementation. He shared research resources from Iowa's public universities and the University of Iowa Hubbell Environmental Law Initiative and invited additional reputable sources from the public, academic community, businesses, and other organizations.

Potential areas for review included data center types and scale, economic development, electrical infrastructure, water supply, noise, emergency power, building size, construction activity, compatibility with surrounding land uses, environmental considerations, and regulations used by peer communities. No formal action was taken during the work session.

Water Supply and Infrastructure: Zach Mayfield, General Manager of Marshalltown Water Works, participated in the discussion. He explained that water availability for a large development depends on the specific site, main size, pressure, fire flow requirements, elevation, surrounding users, and existing infrastructure. Water Works uses hydraulic modeling to evaluate whether a proposed demand would affect service to other customers. Mayfield emphasized the need for Water Works to be involved early in the review of large water users.

The Commission discussed closed loop cooling systems and the fact that these systems still require an initial fill and periodic replacement water. Members discussed focusing future regulations on actual water use and system impacts rather than relying only on a particular cooling system label.

Ender and Mayfield also discussed whether large users should be required to connect to the municipal water system and whether private wells should be restricted within the City to help protect groundwater resources. Members noted that requirements involving high water use might be appropriate for large industrial users generally rather than applying only to data centers.

Electrical Infrastructure and Emergency Power: Ender advised the Commission that Alliant Energy was expected to participate in the August 13 work session and that other local energy providers had also been invited. The Commission discussed distinguishing emergency backup generation from routine supplemental power generation. Members expressed interest in allowing appropriate emergency backup systems while considering restrictions on large onsite generating facilities used as a regular power source.

The Commission also discussed renewable energy, including solar and wind generation, and recognized that different forms of onsite generation create different noise, environmental, and land use impacts.

Data Center Size, Type, and Scale: The Commission discussed the range of facilities included within the term data center, from small edge facilities to large hyperscale campuses. Members discussed whether regulations should focus on physical size and community impacts rather than computing capacity or electrical demand, which change as technology evolves.

Topics included total building square footage, multiple building campuses, maximum facility size, building height, setbacks, and whether standards should vary according to the scale of development. The Commission also discussed how regulations should address a campus made up of multiple smaller buildings that collectively create a much larger development.

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Land Use, Screening, and Design: The Commission discussed whether larger data centers should be limited to industrial zoning districts and whether smaller facilities might fit in other districts when their impacts are similar to other permitted uses. Members also discussed the location and character of existing General Industrial districts and whether different industrial classifications might be appropriate in the future.

Potential screening and buffering standards were discussed, including screening mechanical equipment, landscaping, setbacks, and architectural standards for large industrial buildings. The Commission discussed the importance of considering how facilities are viewed from public streets and adjacent properties.

Noise and Lighting: The Commission reviewed the City's existing noise regulations in Chapter 134 and discussed whether the current standards adequately address potential data center impacts. Ender noted that existing standards regulate sound at the receiving property and include more restrictive requirements for residential areas. Existing outdoor lighting standards were also discussed.

Members generally agreed that existing standards should be reviewed before creating duplicate regulations and that measurable performance standards should be used where appropriate.

Environmental and Community Impacts: The Commission discussed groundwater protection, potential hazardous materials, onsite power generation, compatibility with surrounding land uses, and the need for regulations that address actual community impacts while remaining adaptable as technology changes.

Economic Development: The Commission discussed potential benefits and costs associated with data center development. Potential benefits identified included construction activity, skilled trade employment, permanent employment, utility investment, and expansion of the tax base. Members also discussed balancing those benefits against infrastructure demands, community impacts, and the relatively limited number of permanent employees associated with some data center projects.

Next Steps: Staff will continue researching definitions and regulations used by peer communities, with an emphasis on Iowa communities and comparable Midwestern jurisdictions. Commission members were encouraged to review approaches used by communities including Cedar Rapids, Council Bluffs, Altoona, West Des Moines, and Waukee, as well as resources available through the University of Iowa Hubbell Environmental Law Initiative.

The Commission will continue the data center work session during the regular Planning and Zoning Commission meeting on August 13, 2026. Electrical infrastructure and energy use are expected to be a focus of that discussion.

5. Adjournment

Chair Boston concluded the meeting and work session at 6:40 p.m.

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Meeting Minutes – Plan Zoning
Thursday, August 13 2026, 5:00 pm
City Hall, City Council Chambers
10 West State Street, Marshalltown, IA 50158

1. Call to Order

Chair Jon Boston called the meeting to order at 5:00 p.m.

2. Roll Call

Present: Jon Boston, Mahala Casady, Benjamin Harris-Medina, Patrick Streit, and Stephen Valbracht.

Absent: Deirdre Gruendler.

Commission vacancy: Matthew Brodin resigned from the Planning and Zoning Commission.

Staff present: Clayton Ender, Assistant Director of Housing and Community Development and Zoning Administrator. Deb Millizer, Housing and Community Development Director

3. Approval of Meeting Minutes

The Commission reviewed the minutes from July 16, 2026. No corrections were offered. The minutes stood approved as distributed.

4. Special Use Permit Application, 1776 Governor Road

Clayton Ender presented a special use permit application for a ground mounted solar array at 1776 Governor Road. The proposal includes three rows of solar panels with an anticipated generating capacity of approximately 200 kilowatts for use by the building on the property.

Ender stated the property is zoned General Industrial and is identified for industrial use in the Comprehensive Plan. Staff found the proposed solar installation compatible with the existing industrial setting and recommended approval.

Commission members discussed the location and noted the array would be well separated from the road and surrounding development.

Stephen Valbracht moved to recommend approval of the special use permit application. Jon Boston seconded the motion. The motion passed unanimously, 5 to 0, with Boston, Casady, Harris-Medina, Streit, and Valbracht voting yes. Gruendler was absent.

5. Public Hearing and Recommendation on Rezoning, 707 East Linn Street and 205 South Eighth Avenue

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Ender presented a request from Marshalltown Company to rezone 707 East Linn Street and 205 South Eighth Avenue from Medium Density Residential to General Industrial. The intended use is additional off street parking associated with the company's expansion east of South Eighth Avenue.

Staff recommended approval subject to conditions restricting certain land uses, consistent with conditions accepted by Marshalltown Company on other recent rezonings. Ender noted the current Comprehensive Plan identifies the area for low density residential use, while the proposed Reimagine MarshALLtown Comprehensive Plan identifies the area for light industrial use.

Chair Boston opened the public hearing at approximately 5:06 p.m. No one addressed the Commission. Chair Boston closed the public hearing at approximately 5:07 p.m.

Stephen Valbracht moved to recommend approval of the rezoning application subject to the proposed use restrictions. The motion was seconded and passed unanimously, 5 to 0, with Boston, Casady, Harris-Medina, Streit, and Valbracht voting yes. Gruendler was absent.

6. Public Hearing and Recommendation on the Reimagine MarshALLtown Comprehensive Plan

Ender presented the proposed Reimagine MarshALLtown Comprehensive Plan. He reviewed the planning process, which began in 2025 and included a Plan Advisory Committee, listening sessions, school and employer outreach, online engagement, a community roundtable, and public workshops. He summarized the plan's primary areas of focus, including land use and design, mobility, housing and neighborhoods, parks, trails and environment, economic development and subareas, facilities and infrastructure, and implementation.

Ender described the plan as a long range guide intended to remain adaptable as community needs, development opportunities, and technology change. Staff recommended approval.

Chair Boston opened the public hearing at approximately 5:10 p.m. The following comments were received:

Zach Hamilton, 2250 Shady Oaks Road: Supported continued planning but expressed concern about the future industrial designation and potential annexation of the Shady Oaks area. He discussed potential effects on rural residents, including noise, livestock and firearm privileges, taxes, development regulations, property values, and compatibility between rural residential properties and future industrial development. He asked the City to consider the rural context when future zoning and development standards are prepared.

Erin Carpenter, 802 North Fourth Street: Supported adoption of the Comprehensive Plan and described the extensive community process used to develop it. He emphasized the value of trees, parks, and green space as functional infrastructure that supports stormwater management, pavement protection, heat reduction, and community resilience.

Layne Pieri, 20 State Street: Supported adoption and offered recommendations for future implementation. She identified trail connectivity, transit access for shift workers and transit dependent residents, housing affordability and production, measurable implementation goals, and stronger outreach to Hispanic and immigrant communities as areas for continued attention.

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Chair Boston closed the public hearing at approximately 5:19 p.m. No additional Commission questions or amendments were proposed.

Stephen Valbracht moved to recommend approval of the Reimagine MarshALLtown Comprehensive Plan. Jon Boston seconded the motion. The motion passed unanimously, 5 to 0, with Boston, Casady, Harris-Medina, Streit, and Valbracht voting yes. Gruendler was absent.

7. Data Center Regulation Work Session

Before the work session discussion, Patrick Streit disclosed a potential conflict related to his legal practice and stated that he would recuse himself from voting on the data center matter.

Ender summarized the August 6 work session and stated the Commission remained in the goal setting, research, and analysis phase. He identified recurring themes, including the need to understand data center types and scale, focus regulations on measurable development impacts, evaluate whether standards should vary by project scale, balance economic development opportunities with infrastructure and community impacts, and determine whether existing City regulations are sufficient.

Electrical Infrastructure and Large Loads: Kiley Miller, Lead Community Engagement Consultant for Data Centers with Alliant Energy, participated in the discussion. Miller explained that large load customers first undergo engineering review to determine available capacity, infrastructure needs, timing, and cost. Alliant requires new large load customers to pay the costs associated with serving their load, and individual customer rate arrangements are reviewed through the Iowa Utilities Commission.

Miller explained that electric rate cases are reviewed through the Iowa Utilities Commission and include a public process. He stated Alliant is under a five year rate freeze through 2029 and that anticipated large load growth contributed to the utility's ability to make that commitment. Ender emphasized that the City does not set electric utility rates. Miller stated Marshalltown is well positioned from a transmission standpoint because of regional transmission investment. He explained that Alliant, as a regulated utility, has an obligation to serve qualifying customers within its service territory and must plan for generation and infrastructure needed to serve new load. Miller encouraged early coordination among the City, utilities, and prospective developers because utility timing, rights of way, and infrastructure needs can affect project feasibility.

Data Center Types, Size, and Scale: Ender reviewed common industry terms, including enterprise, colocation, hyperscale, cloud, edge, artificial intelligence, managed service, modular, and high-performance computing data centers. He cautioned that many terms describe business models or changing technologies rather than physical land use impacts. He recommended focusing future regulations on durable characteristics such as building size, campus size, utility demand, noise, water use, and other measurable impacts.

Ender presented examples of existing Iowa data centers ranging from small facilities of roughly 12,000 to 18,000 square feet to large multi building campuses exceeding one million square feet. The Commission also compared the scale of existing Marshalltown industrial buildings to help place the examples in a local context.

The Commission discussed whether regulations should distinguish among smaller and larger facilities, or instead apply performance standards to industrial uses more broadly.

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Members expressed concern about adopting data center standards that might unintentionally restrict existing manufacturers or other industrial development. Discussion included the possibility of creating separate light and heavy industrial districts, using context specific standards, and evaluating both individual building size and the aggregate size of a multi building campus.

Screening, Setbacks, and Design: Members discussed landscaping, screening of generators and cooling equipment, setbacks, building appearance, and the relationship between design standards and surrounding land uses. The Commission generally favored stronger design and buffering protections where industrial development is near residential areas or other sensitive uses, while avoiding unnecessary architectural requirements in locations already characterized by heavy industry.

Community Roundtable: Ender reviewed a draft agenda for the August 27 community roundtable. Doors are planned to open at 5:00 p.m., with the discussion beginning at 5:30 p.m. and a planned conclusion near 7:00 p.m. The purpose is to gather community input and identify policy considerations before staff prepares draft regulations. No draft ordinance or specific regulatory proposal will be presented at the roundtable. The proposed format includes a brief staff overview, small group discussions at round tables, a large group report out, and closing remarks. Commissioners and staff will be distributed among the tables to listen, take notes, and gather input. Ender anticipated using three or four broad discussion prompts, including feedback on data center size, scale, community impacts, and development standards.

Noise and Compatibility: The Commission reviewed the City's existing noise standards and discussed whether residential limits should remain uniform or vary according to zoning district and surrounding context. Members noted that changes to existing standards would affect all regulated uses, not only data centers, and might create compliance issues for existing industrial facilities. The Commission agreed additional analysis is needed before considering changes.

In response to discussion about future industrial development near areas outside the current City limits, Ender reviewed the annexation and rezoning process. He stated annexed property initially receives low density residential zoning. A proposed industrial use would therefore require rezoning, providing an opportunity for Planning and Zoning Commission review and City Council action. He also identified conditional rezoning and development agreements as potential tools for establishing site specific protections when appropriate.

Next Steps: Staff will finalize the August 27 community roundtable materials and continue research on data center definitions, scale, industrial zoning, noise, utility impacts, screening, setbacks, and other development standards. The next regular Planning and Zoning Commission meeting is scheduled for September 17, 2026, when staff anticipates returning with an initial draft of potential regulations for discussion.

8. Commission Vacancy and Future Meeting

Ender reminded the public that applications for the vacant Planning and Zoning Commission seat would be accepted through August 19, 2026. Staff anticipated that the Mayor could bring an appointment to the City Council for consideration on August 24, 2026.

9. Adjournment

Chair Boston concluded the meeting and work session at approximately 6:18 p.m.

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DATA CENTER COMMUNITY ROUNDTABLE MEETING MINUTES

No formal action was taken by the Planning and Zoning Commission or City Council as part of the roundtable.

1. Welcome, Roll Call, and Opening Remarks 5:30 p.m. to 5:35 p.m.

Clayton Ender, Assistant Director of Housing and Community Development and Zoning Administrator, opened the roundtable and stated that the session was an official public meeting. He conducted roll call of the public officials identified on the agenda.

Planning and Zoning Commission

Present: Jon Boston, Mahala Casady, Deirdre Gruendler, Benjamin Harris-Medina, Marty Wymore, and Stephen Valbracht.

Absent: Patrick Streit.

City Council

Present: Sue Cahill, Melisa Fonseca, Marco A. Yenez-Gomez, Mark Mitchell, Greg Nichols, and Gary Thompson.

Absent: Jeff Schneider.

Mayor

Present: Mike Ladehoff.

City staff participating

Clayton Ender, Assistant Director of Housing and Community Development and Zoning Administrator.

Deb Millizer, Housing and Community Development Director

Carol Webb, City Administrator

Public attendance

Nine sign in sheets contained 100 signed lines. This is a sign in count and is not a verified count of unique attendees.

Ender reviewed the planned format and stated that the majority of the meeting would be reserved for small group table discussion and full group discussion. He emphasized that the City was still gathering information and had not started preparation of draft regulations.

2. Staff Overview: Data Centers and Local Considerations 5:35 p.m. to 5:50 p.m.

Ender presented a brief overview of data center terminology, types and scales of facilities, examples of data center development in Iowa, and recurring community questions. He explained that the term data center

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covers facilities with significantly different physical sizes, electrical demand, water demand, operations, and infrastructure needs.

The overview identified topics for discussion including electrical load, utility rates, water use and cooling systems, noise, setbacks and buffers, employment, lighting, substations, emergency response, construction activity, traffic, site design, and surrounding land uses. Ender stated that the examples were intended to support discussion and were not proposed development models for Marshalltown.

3. Facilitated Discussion: Policy Considerations 5:50 p.m. to 6:35 p.m.

Participants discussed the policy questions at their tables using the individual discussion sheets, table report sheets, Marshalltown context maps, and data center example materials. Participants were encouraged to record their individual comments and to identify up to three considerations, questions, or differing perspectives for the full group report out. Tables were not required to reach consensus.

City staff and public officials circulated among the tables during the discussion. Participants were asked to submit their written materials at the end of the roundtable so staff could review comments that were not reached during the verbal report out.

4. Community Discussion Summary and Key Takeaways 6:35 p.m. to 6:55 p.m.

The table report outs below are presented as spoken during the full group discussion. Table numbers were matched using the verbal identifications in the recording and the written table report sheets. Obvious automated transcription errors in names, table numbers, and confirmed terms were corrected only when the written materials resolved the wording. Where the audio or automated transcript remained unclear, [unclear] is shown. Audience interruptions and facilitator comments are not included inside a table report unless needed to preserve the speaker's statement.

Table 5

I have table five, and I have some great friends here that I just met, some that I've known for a long time, and we went to the process of looking at. We want to look at the company financials because the industry, help me a little bit here, under volatile, and we're concerned about an AI bubble. Okay, so if you have an AI bubble, and we have a startup company such as Swarm, I'll pick on them. Yeah, are they truly startup? Will they have the ability to survive a bubble burst? We want to look for revenue per city, not only the land sale, but let's look at how do we generate revenue from services that are being provided. So, if they're having a billion dollars of services that they're providing, how do we get a piece of that pie? The other thought that we had is we had a lot of discussion about decommissioning. So, if it goes up, we don't need another hospital here, as you guys know, that we need to take care of, but we said, what are the recycle ideas, etc. We had an idea on the table of dollars. So, if this is a \$500 million bill, make them right up front. Put away 10% of the bill. Put that in an account. Let that say here our decommissioning plan is 10 years down the road, and at that time period, you know maybe we earn 5 million a year interest on that. Nobody can touch that except the interest. You can't touch the principal, you touch the interest, and a portion of that goes to the schools. Portion would go to the city. Portion would go to the county, so it's a way to get some additional revenue. Barring sales to foreign ownership, we have some concern about that. We want permanent employees on the premises, not just remote employees. Educational fund tax, and we had a great table with consensus.

Table 2

We had a lot of discussion. One big issue was fire. A data center is going to contain a lot of lithium batteries. I don't know if you are aware of that, but it has, you cannot fight a lithium fire, it just has to burn out. So, what about the fire department? I mean, are there new technologies in order to fight these fires? What kind of chemicals are going to be released into the air in the event of a fire. We also talked about, oh, getting a a soundproof wall built around the borders to help protect the neighborhoods that are unfortunately going to be close by for the edge of it anyway. And we also talked about how the developer should be required to pay to relocate any homeowner who chooses so within 2,000 feet of any border line, and then the city can just take down the houses, maintain it as a green space. We do need green space in Marshalltown, and that would certainly, because once that data center goes in, those property values are going to bottom out, and I don't think that's fair to the property owners.

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Table 4, first report

You guys have brought up a lot of things that we have discussed, but there was a few more things that I don't want to duplicate. But a huge thing on our table was environmental issues. What is going to happen visually? Huge visual concerns about where it is, what it is, and what it rooms for, and also noise. What kind of noise is it going to produce? There's two different kinds of noises. You have your DBA and your DBC, and some can penetrate through your walls, and some really don't. What are going to be the regulations on how far, how much noise can go into our community? I agree about building the wall, but the wall is only going to impact the the residents that are in a lower type area. As you know, noise can travel up and over those walls, and there's a lot of residents who live in higher areas that the noise will just bypass that and just completely go straight to you. For one, I am that person. We live way up on a hill, and all the proposed areas do nothing but give me an open view and open noise directly to my home. Also, a huge issue was devaluation of our property. What's going to happen if we're going to do this all for tax reasons. We want all this additional tax, but then all of a sudden our properties start to devalue because there's people that do not want to live near a data center. They don't want the visual environmental impacts. What's going to happen to that? I mean, we are going to lose houses. Is the city going to take them over. I don't know where that goes. And how is the money going to be spent to to benefit our community? If we all agree with this, and we get the information that we need, and we're all excited about this new data center because it's going to bring a lot of money to our community. I think we need to be educated on how much money that we're going to be able to use directly in our community and the people. How is it going to benefit the people that are going to have to live with the data center in their area? And another concern is legal impacts. After the data center is built, then what are the legal impacts after that? Are are as I have looked bypass the the AI, the social media, and everything. I went directly to the sources, the American Bar Association, to see how much legal impact data centers have brought to communities, and I just want us to be aware that that is a possibility in our area. And water, of course, the water thing. We we need to know usage and the impact of the water usage environmentally and in our direct community. And is there anything else that anybody else wants to add? Yes. I think.

Table 4, additional report

So. Like closed loop [unclear] system. I know there's a lot of [unclear], but the closed loop system requires a lot of maintenance. It requires a lot. It requires a lot of maintenance and and a lot of a lot of due diligence on the data center developer to take care of that, so it doesn't break or water doesn't [unclear] into the water systems. That's it.

Table 9

All right. If anybody needs me to speak up, I know sometimes I don't speak very well in my opinion. Oh yeah, there it's going out. Let me know. All right. So a lot of what we had has been kind of covered by other tables, but one of the things that we thought was really important is the buffer from the property line and a larger buffer from the residence or places of assembly, because Nancy had pointed out. Oh, I'm sorry, honey, that in one of the slides that Clayton had shown from, was it Cedar Rapids? It looked like it was really close, like 200 feet to the property line and 1000 to place of residence. So we definitely want it to be more than that. And then other people have said stuff about environmental impact. We definitely want to know, you know what happens if 10 years from now this, you know, is obsolete. You know some of the bigger data centers may be obsolete. They need to have some kind of decommissioning plan, maybe a decommissioning fund that they are, you know, held responsible for, you know, the environmental impact on that land and taking care of the land for us, and then also we felt that they should be required to build in a green energy percentage as part of the purchase agreement. I mean, we're all worried about the water, and I do. That is something we talked about, and I do agree. None of us want our water to be depleted. The water is more important on a level than the energy is because we have renewable energy sources we can use, and that we can maybe, you know, ask them to implement where the water, once it's gone, it's gone, and then as they also mentioned, the like a required ratio of jobs per square foot, and you know, have more boots on the ground jobs than remote jobs. Are they going to assure us that, you know, they have are employing a certain amount of people from, you know, the community versus, you know, just remote from somewhere else? Anything you guys want to add?

Table 3

And so our table, we pretty much had consensus that I just don't, we just don't want them around, and so it's, I I don't know. Thank you. The use case. Our town is not that big. We don't have that much space to even build one or, like, these companies, they're not beholden to us. They're beholden to shareholders or whoever owns the place, and like, I don't know, it just does not seem like a good idea to even have them. And I like my one of my favorite. I tell this to everybody. My favorite thing about Marshalltown is the drinking water. The drinking water is delicious. We have delicious drinking water. You've already been warning that stuff tastes like poop. And people look at my

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look at me weird because I drink the drinking water, no matter where I'm at. But I'm always saying this just this was not this was not good. I I don't like having to buy plastic water bottles. Yeah. What else do we have? Oh, and we we don't want them associated with surveillance. That's like my second biggest thing. All right. Does anyone else have anything else from Mark David? Oh, we also don't want it down by JBS. Okay. Thank you.

Table 6

I'm Jan Mcinnis. I'm speaking for table six, and we really didn't have a lot, as you haven't already discussed, concerns about what this would do to water and electricity bills in the community. Who's going to pay for the infrastructure that has to be built? There were quite a few moments about the noise, especially if it's a low hum or a steady pulsing, because this could affect people with seizure disorders or migraines. And then who's going to pay for a deconstruction, and can we have a plan in effect before it goes out? If we're going to do that, and no TIF or tax breaks, pretty much in agreement with the rest of you.

Table 15

Also, I will agree over there with the drinking water. I went on a trip like a few years ago. I was complaining about the water to everybody, so I was the pretentious water kid for that entire three week trip. So I think we talked a lot about issues that had already been, you know, brought up about like the noise, the devaluation of properties. But one thing that I want to bring up in specific is that according to a bunch of online polls, 70% of Americans say that they, okay. 70% of Americans say that they don't want data centers in their com, in their communities. So I wanted to ask. I wanted to ask why we weren't asked if we wanted a data center here in the first place. We're talking about creating a data center here without anybody asking what we, the taxpayers, want. Why was that never brought up to us? Why are we moving forward with a proposition that we don't want?

Table 14

I would say we were divided on issues, but a couple of things that we talked about that hadn't hadn't gotten brought up yet was EMF containment. So the actual EMF frequency that the is rotating out from the building and including that in our regulations, that I can't remember exactly what the like the terminology was, but requiring that the building have an EMF shield in addition to the noise buffering. So that was one thing we talked about. We also talked about, and we all agreed that not only do we want regulations, we also want to include how we monitor and especially enforce the regulations. You know, we all know that things are currently regulated, but we really want to make sure that those regulations are monitored and enforced, and so really making sure that we include that in this conversation as well. We had different opinions about what size facilities, and I think that probably is not just our table. Some people are okay with larger facilities, myself, I don't want any facilities, so we had the full range there. And so maybe the focus is what fits our community and and what size facility would serve our community best as a way forward with that consideration. Oh, another thing, you guys might have touched on this, but we had some serious concern about making sure that there were no private wells allowed and protecting not only the level of our aquifers, but also any heat or anything, any other thing being introduced to the aquifers. So those, I think, those were our main concerns.

Table 13, first report

One I haven't seen brought up yet was what do we lose by, what do we lose the ability to support in the future by supporting this now? What is the opportunity cost of the data center going in, so we had a representative at our table from U of Energy discussing JBS in the same, in the same situation as employment for the data centers. I looked it up. JBS hires about 2,300. The center might employ 50 to 60, I believe. But yes, if we, if the data center is using the electricity, the water to support these jobs, do we lose the ability for another another company, another manufacturer to come in later that's going to employ a lot more people and could use those same resources better.

Table 13, additional report

I'd like to know if anybody from the city has checked like this lady said up here about the fire, about these batteries being burnt, and I know she's 100% right on that because they have to burn out. And has anybody checked with the fire department? It's always a possibility we have a fire. So, and what fire puts off is toxic waste, and everybody's breathing it down there, like I said earlier, the cost being. I live like three blocks away. I got some people sitting with me right now. Live right across the street from it. So I mean, we got to look at the safety part of this too. And another thing, I all the talk I hear is what I'm like, what I'm liking here about it is the water, the electricity, all that's good stuff, but I'm also big concerned. I'm a Army veteran. I'm concerned about the security of this place because I, they teach you in the military. First thing, you don't say it can't happen here. It could happen here tonight. Never know. China could come over here and send a rocket, take this thing out. What kind of data's

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good? This thing's gonna hold, because they're going after the data center. They go after animal dumps. They go after silos like Nebraska. They have a whole bunch of silos over there. So I'm concerned about the safety, not just to myself and everybody else in here, but our grandsons, our granddaughters, and everybody else's kids, so that's one thing to look at. That's all I want to say. Thank you. Thank you.

Table 18

Came here because I started seeing this yesterday, and I want to know more about it. Look into it. I almost can't find anything that has a tangible history. I have more questions than I have answers, and I have more questions than I have statements. My biggest, one of my biggest concerns, one of our biggest concerns, was the environment. Right? What concerns are there not about the environment? There's the water. There's electricity. There's our land. There's [unclear]. What amount of questions aren't being asked? And the point I'm making is that there's too many. When you look at the environment, you have to look at everything. Everybody's concerns is with everything. It's like I said, it's the environment, the land, the water, the people, the energy we have to put in because construction workers have to put into this, and we we all want to focus on that. One of the, yeah, the [unclear]. It's my first night speaking. I'm sorry that I'm not as articulated as I should be, but I'm here, and at least I'm saying my point, right? And I'm I'm only 20. I just graduated two years ago. I still live around here. My worry is the future that that people that won't be any, won't be here anymore because of data centers, because of things like this. We, there is research out there of how AI data centers have affected the environment, and it's almost, and it's almost never positive. Okay, and that's that's what the environment. The other questions we had is where did it come from? Where's the origin of this? Why is it that when I search up Swarm Systems Inc. I can find almost to nothing? I search up the name of Tefi Amir, I can almost find nothing. I find stories about a city called, or called Marshall. No, sorry, not Marshall, Marshfield, Missouri, and they had, they were gonna, it was gonna go, and then it got paused, and then there was a controversy over there. But there's only two cities that come up. How do we know that this is going to be promising if it doesn't have a history. That's also another of our concerns. And some, somebody at our table put it in a good way, right? Why is this presented? If it's already going to happen, if there's a moratorium going on right now, right? Also, somebody earlier pointed out a really good point. Nobody wants really to live near a data center. We have peers that have come here from other parts, have already expressed how these data centers sound, how they work, how they don't like living near it. There's, there's statistics about people not wanting it, and I guess with, like, with our table we generally did agree, but I guess the biggest question that we had is how is this directly going to benefit Marshalltown people, we don't have answers for that. I want answers. I want answers as how this is going to benefit me. And if it's not a simple answer that you can, you know, say, then it's not a good enough answer. It's not a good answer if you can't talk to it to your people. If they need to be present in these things, if it's not something that you can publicly say, if it's not something that you can share with everybody, how, how do you expect people to trust you? So that's pretty much all I have to say. But I don't want it. I don't want these data centers, and I feel like a lot of people would agree on that.

Table 1

Why do data centers build in poor neighborhoods.

Not every table provided a verbal report before the posted end time. Written individual comments, table report sheets, maps, and example discussion sheets were collected for separate staff review.

5. Closing Discussion and Next Steps 6:55 p.m. to 7:00 p.m.

As the posted 7:00 p.m. ending time was reached, Ender acknowledged the time and thanked participants for speaking. Staff had stated that comments from the roundtable and written materials would inform the next stage of the City review process, including preparation and review of draft regulatory concepts at future public meetings.

The Data Center Community Roundtable concluded at 7:00 p.m.

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MARSHALLTOWN

IOWA

HOUSING & COMMUNITY DEVELOPMENT

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TO: Planning and Zoning Commission
FROM: Clayton Ender, Assistant Housing & Community Development Director
DATE: September 17, 2026
RE: Data Center Zoning Study – Work Session No. 3

Background

Data centers have emerged as a significant land use issue for communities throughout Iowa and the United States due to increasing demand for cloud computing, artificial intelligence (AI), and digital infrastructure. While these facilities may provide economic development opportunities, they also present planning considerations related to electrical infrastructure, water consumption, emergency services, noise, land use compatibility, site design, and long-term community impacts.

The City of Marshalltown's Zoning Ordinance does not currently define or regulate data centers as a distinct land use. The City Council directed staff and the Planning and Zoning Commission to evaluate whether additional planning considerations or zoning regulations may be appropriate. Since that direction, the Commission has held two work sessions, staff has gathered research and stakeholder input, and the City hosted a community roundtable on August 27, 2026.

Staff has prepared four coordinated draft ordinances for Commission review. The September 17 work session is intended to introduce the drafts, explain how they operate together, and receive feedback before the package advances to later public review. No formal action is requested at this meeting.

Public Comment Summary

Public input has been received through Planning and Zoning Commission and City Council meetings, written correspondence submitted directly to the City, and the August 27, 2026 Data Center Community Roundtable. The roundtable generated 100 signed attendance lines and 182 pages of written material, including individual worksheets, table reports, annotated maps, data-center example sheets, and supplemental comments. The attendance figure represents sign-in activity and should not be interpreted as a verified count of unique participants. Likewise, the written comments constitute a qualitative public record rather than a statistically representative survey or vote.

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The comments received to date reflect substantial concern about allowing data centers in Marshalltown. Some participants supported a prohibition or an extended moratorium regardless of the size or design of a proposed facility. Other participants were conditionally open to considering data centers if the City first established strict siting requirements, measurable limits, transparent public review, enforceable operating standards, and protections against public costs. Even among participants who differed on whether data centers should be allowed, several common areas of concern emerged.

Water and wastewater were among the most frequently raised issues. Comments requested information about water sources, cooling technology, daily and peak consumption, drought resilience, private wells, aquifer impacts, wastewater temperature and composition, treatment requirements, and responsibility for contamination or infrastructure improvements. Participants also requested enforceable water-use limits, monitoring, public reporting, and independent technical review.

Electrical demand and potential ratepayer impacts were similarly prominent. Participants asked how a large and continuous electrical load could affect system capacity, reliability, household and business rates, and the need for new generation, transmission, or substation infrastructure. Comments generally favored requiring the developer to identify its anticipated full-build electrical demand and assume responsibility for project-related improvements and stranded costs. Renewable-energy requirements, rooftop solar, energy efficiency, and the use of backup generation were also raised.

Siting and compatibility concerns included proximity to residences, schools, parks, care facilities, rural areas, farmland, natural resources, and other sensitive uses. Participants frequently requested meaningful separation distances, landscaping, visual screening, lighting controls, protection of property values, and consideration of residents outside the City limits who could experience project impacts. Several comments favored industrial, brownfield, or previously developed sites over residential areas, productive farmland, or environmentally sensitive property.

Operational concerns focused on continuous and low-frequency noise, vibration, emergency generators, lighting, waste heat, air emissions, hazardous materials, fire protection, and emergency response. Comments requested objective property-line standards, baseline and post-construction testing, independent monitoring, complaint-response procedures, and enforceable corrective measures. Some written submissions requested stricter standards for rural residential areas based on their lower existing background sound levels.

Participants also questioned the balance between potential public benefits and long-term community costs. Comments requested credible information regarding permanent employment, wages, tax revenue, incentives, local purchasing, company financial stability, and the effect of the development on other economic opportunities. Some participants suggested community-benefit requirements, full-tax or clawback provisions, local hiring commitments, scholarships, infrastructure contributions, or productive reuse of waste heat.

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Long-term responsibility was another recurring theme. Participants requested decommissioning and site-restoration plans, financial assurance sufficient to prevent public responsibility for an abandoned facility, and requirements for recycling or disposing of servers, batteries, cooling equipment, fuels, chemicals, and other electronic or hazardous waste. Comments also requested additional review when a facility expands, changes ownership, increases its utility demands, changes its cooling or generation systems, or materially changes its operation.

The current ordinance package responds to several of these concerns. The Data Center Overlay would require public consideration of the location of an initial data-center proposal. Development Scale and Infrastructure Intensity thresholds would require additional review based on aggregate buildout, electrical demand, non-domestic water demand, and traffic generation. The Master Development Plan would establish binding maximums, require disclosure of anticipated infrastructure needs, and allow the City to obtain independent technical review at the applicant's expense. The proposed separation and bufferyard standards address compatibility with residentially zoned property, public assembly uses, and adjoining streets and properties.

The Noise Control Ordinance would establish measurable A-weighted and C-weighted sound limits, regulate routine generator testing, and distinguish actual emergency operation from voluntary or commercial generation. The Mandatory Public Water Connection and Private Well Prohibition ordinances would respond to concerns regarding the source of water serving development by establishing the public water system as the primary source where service is reasonably available and limiting the establishment or continued use of private wells. These ordinances would not establish a numerical limit on data-center water consumption; proposed water demand would instead be disclosed and reviewed through the zoning and Master Development Plan processes.

Other subjects raised through public comment are not comprehensively addressed by the current drafts. These include decommissioning and financial assurance, electronic-waste management, renewable-energy requirements, waste-heat reuse, detailed air-emission standards, property-value protections, community-benefit requirements, tax or utility-rate protections, ownership or data-use restrictions, and project-specific economic commitments. Some of these subjects may require additional technical or legal review, may be addressed through other regulatory or utility processes, or may be considered in a later phase of the City's review.

The public record demonstrates that technical standards alone will not resolve the concerns of participants who oppose data centers in all circumstances. For those conditionally open to a proposal, acceptance generally depends on receiving project-specific information and establishing enforceable protections before approval. The purpose of the current work session is to determine whether the draft package provides an appropriate initial framework and to identify areas requiring revision or additional study. No formal action is requested at this meeting.

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Proposed Regulatory Approach

The proposed approach does not establish an absolute prohibition or a fixed citywide cap on data-center electricity or water use. Instead, it controls where a data center may locate, requires more intensive public review when a development exceeds established scale or infrastructure thresholds, and makes the maximum development and utility demands approved through that process binding on the property.

The package consists of the following four draft ordinances:

- **Data Center Ordinance** – Establishes the data-center land use, Data Center Overlay, and data-center development standards. The ordinance also establishes generally applicable Development Scale and Infrastructure Intensity classifications and revises the Master Development Plan process for qualifying mixed-use and nonresidential development.
- **Noise Ordinance** – Establishes objective A-weighted and C-weighted sound limits and standards for emergency-generator testing and operation.
- **Mandatory Water Connection Ordinance** – Requires improved property to connect to the public water system and restricts the use or interconnection of alternative water sources.
- **Well Prohibition Ordinance** – Restricts private wells where public water service is reasonably available and establishes an exception process.

Data Center Zoning and Development Review Ordinance

The zoning draft creates the primary land-use framework. It defines Data Center, Data Center Building, and Data Center Development and requires related buildings, parcels, infrastructure, phases, operators, and ownership entities to be evaluated collectively. A development may not be divided or phased for the purpose of avoiding an applicable requirement.

Location and Review Process

The draft ordinance would permit a data center only on property located within the DC, Data Center Overlay and within an underlying zoning district where a data center is identified as either a permitted or special use. Because the overlay has not been mapped to any property, an initial data-center proposal would require the applicant to request a zone change to establish the overlay. This would ensure that every initial proposal is considered through a publicly noticed zone-change process.

All Data Center Development would also require Site Plan approval. A Special Use Permit would be required when the use table identifies a data center as a special use within the underlying zoning district. These reviews would address compliance with the development standards applicable to the site and proposed use.

In addition to these data-center-specific zoning requirements, the draft ordinance would revise the City's development-review procedures for mixed-use and nonresidential development

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generally. These broader changes establish Development Scale and Infrastructure Intensity classifications and require a Master Development Plan for developments meeting specified thresholds. As a result, the revised classifications and Master Development Plan requirements would apply to qualifying development regardless of whether the proposed use is a data center.

Scale and Infrastructure Thresholds

The proposed Development Scale and Infrastructure Intensity classifications would apply generally to mixed-use and nonresidential development. They are not limited to data centers. A qualifying project may require Master Development Plan review because of the physical size of the development, the demands it would place on infrastructure, or both.

Development Scale is based on the aggregate Gross Floor Area of the development. A Neighborhood-scale development contains no more than 30,000 square feet. A Community-scale development contains more than 30,000 but no more than 60,000 square feet. A Regional-scale development contains more than 60,000 square feet and requires Master Development Plan review.

A development is classified as Infrastructure-Intensive if it exceeds any of the following thresholds:

- Electrical Demand of more than 25 megawatts;
- Non-Domestic Water Demand of more than 75,000 gallons per day; or
- Vehicle Trip Generation of more than 500 annual average daily trips or 100 trips during a peak hour.

Exceeding any one of these thresholds would require Master Development Plan review, regardless of the development's Gross Floor Area or proposed use.

Master Development Plan

The revised Master Development Plan process would apply to Regional-scale or Infrastructure-Intensive mixed-use and nonresidential development, including but not limited to qualifying data-center development. It establishes a coordinated and binding framework for anticipated ultimate buildout. The plan identifies the development boundary, maximum development intensity, building layout, electrical and water demand, transportation demand, infrastructure, public services, mitigation, and phasing. The Planning and Zoning Commission would conduct a public hearing and make the final decision, subject to appeal to the City Council.

Once approved, the maximum Gross Floor Area, building count, Electrical Demand, Water Demand, Non-Domestic Water Demand, Vehicle Trip Generation, phasing, and other approval limitations may not be exceeded. An increase in these maximums or another material change

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would require a major amendment through the same process as the original Master Development Plan. Conforming Site Plans and permits could proceed through their otherwise applicable administrative procedures.

A limited minor-expansion exception would be available only for development lawfully existing or approved before the effective date of the ordinance. The aggregate post-expansion development could not exceed 110 percent of its fixed adoption-date baseline, and the expansion would be required to satisfy the ordinance's infrastructure, compatibility, mitigation, and anti-avoidance criteria.

Data Center Development Standards

The draft requires each Data Center Building, emergency electrical generator, exterior cooling unit, and other exterior mechanical or electrical equipment serving a Data Center Development to maintain a minimum separation of 300 feet from the property line of any property containing a principal Public Assembly use and from any residentially zoned property, including residentially zoned property outside the corporate limits. Parking areas, internal drives, security fencing, stormwater-management facilities, landscaping, and utility connections not containing exterior mechanical or electrical equipment are not subject to the separation requirement but remain subject to all otherwise applicable development standards.

Landscaping would also be required along specified arterial and collector street frontages and along property boundaries where a bufferyard is otherwise required. These areas would be subject to the proposed 30-foot Type D landscape bufferyard standard. For each 100 linear feet, the bufferyard would require four overstory trees, four understory trees, eight evergreen trees, and 20 shrubs. A fence, wall, or berm could supplement the required landscaping but could not replace it.

Applications would be required to document the development's anticipated electrical, water, wastewater, natural gas, telecommunications, transportation, and other infrastructure needs. The application would also identify responsibility for improvements necessary to serve the project. When specialized expertise is needed to evaluate the information submitted, the City could require an independent technical review at the applicant's expense.

The ordinance also identifies accessory facilities that may be incorporated into a data-center development when they remain subordinate to the principal data-center use. These facilities may include battery storage, renewable-energy generation, standby generation, electrical substations, microgrids, water-treatment and reuse systems, offices, and other supporting facilities.

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Other Zoning Amendments

The draft includes several amendments to clarify how zoning is established when property is annexed into the City. The existing ordinance does not provide a sufficiently clear or consistent process for assigning zoning to newly annexed property. The proposed amendments are intended to establish a predictable relationship between annexation, the Comprehensive Plan, and the City's zoning map.

Under the proposed process, newly annexed property would receive the base zoning district corresponding to its Comprehensive Plan Future Land Use designation unless the City Council establishes a different zoning district at the time of annexation or through a concurrent zone-change process. Property that is omitted from the zoning map or otherwise lacks an assigned zoning district would default to the AG, Agriculture District until another zoning classification is approved.

These changes are not specific to data centers. They are included to improve the administration of the Zoning Ordinance and provide a clearer process for establishing zoning when land is annexed or when a zoning-map omission is identified.

Noise Control Ordinance

The noise control draft replaces the City's current measurement framework with objective sound limits based primarily on the zoning or noise-sensitive character of the property receiving the sound. Measurements used to establish a numerical violation would be required to be taken with a qualifying Type 1, Type 2, Class 1, or Class 2 sound level meter that is maintained in calibration and operated under representative conditions.

The proposed maximum sound levels for residential zoning districts and other noise-sensitive receiving properties are 60 dBA during the daytime and 50 dBA during the nighttime. Properties in the Mixed-Use, Urban Core, General Commercial, Agriculture, Public and Institutional, and Recreation districts would be subject to a maximum of 65 dBA during both daytime and nighttime hours. The maximum sound level for property in the General Industrial District would be 80 dBA during both periods.

For purposes of these standards, daytime would extend from 7:00 a.m. to 10:00 p.m., and nighttime would extend from 10:00 p.m. to 7:00 a.m.

The draft also establishes separate C-weighted limits for steady low-frequency sound received on residential or other noise-sensitive property. The proposed limits are 73 dBC during the daytime and 68 dBC during the nighttime. These standards are intended to address low-frequency sound that may not be adequately represented by A-weighted measurements. Supplemental frequency or vibration analysis could also be used when necessary to characterize a potential noise disturbance.

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Emergency Generators

The noise control draft establishes separate requirements for the routine testing and emergency operation of electrical generators. Routine testing could occur without a noise permit between 8:00 a.m. and 6:00 p.m., on no more than one day during any seven-day period and for no more than one aggregate hour. Sound from routine testing could not exceed 80 dBA when measured at residential or other noise-sensitive receiving property.

Additional, extended, commissioning, or load-bank testing could be authorized through a noise permit. A recurring testing permit could approve a testing schedule for a period of up to 12 months. The draft proposes a \$250 application fee for these permits, in addition to any costs incurred for specialized technical review.

The numerical sound limits would not apply during an actual interruption of utility service, unsafe or unavailable utility service, a mandatory grid disconnection or mandatory curtailment associated with an emergency condition, or another emergency requiring temporary power to protect life, public health, safety, or property. This emergency exception would be limited to operation reasonably necessary to respond to the outage or emergency.

The emergency exception would not apply to voluntary demand-response programs, peak shaving, economic dispatch, nonmandatory grid support, or commercial power generation when normal utility service remains available. These activities would remain subject to the generally applicable sound limits and other ordinance requirements.

Generator operation continuing for more than seven days would require notice to the City. Operation continuing for more than 30 days would require an extended-operation and mitigation plan. The plan would address monitoring, reasonable noise-mitigation measures, and compliance with any conditions established by the Noise Control Office.

Mandatory Public Water Connection Ordinance

The draft creates Chapter 96 and generally requires occupied or occupiable improved property within the City to connect to the public water system. Newly constructed structures must connect before occupancy. Once connected, a customer or resident may not obtain water from another source, and a private well or other source may not be interconnected with the public system.

An existing property supplied by a noninterconnected source on the effective date would be exempt while ownership remains unchanged. The exemption generally ends upon transfer unless the Chapter 97 private-well exception criteria are satisfied. The draft provides a 60-day connection period following the effective date or official notice, authorizes connection and assessment of costs when an owner fails to comply, and establishes municipal-infraction enforcement.

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Private Well Prohibition Ordinance

The draft creates Chapter 97 and prohibits drilling, constructing, operating, or maintaining a private well serving improved property when connection to the public water system is reasonably available. Existing wells are generally exempt until ownership changes.

The City Council may approve an exception based on extraordinary site-related hardship after receiving specified findings from Marshalltown Water Works. Those findings address availability of public service, aquifer and water-quality effects, effects on utility ratepayers, and potential conflicts with monitored leaking underground storage tank sites or other water-quality concerns. Violations are enforceable as municipal infractions.

Relationship Among the Drafts

The zoning ordinance determines where a data center may locate, what development review is required, and the maximum development and infrastructure demands that may be approved. The noise ordinance governs sound after construction and operation, including routine and emergency generator use. Chapters 96 and 97 address the source of water serving development and the circumstances under which a private source may continue or be approved.

The four drafts are separate ordinances and may advance independently. However, they should be reviewed as a coordinated package because the practical effect of one ordinance may depend on terminology, exemptions, approval procedures, and enforcement provisions contained in another.

Work Session Objectives

The September 17 work session is intended to obtain Commission feedback regarding the overall direction of the draft package. Discussion may include:

- Whether the combination of an overlay, Site Plan, Special Use Permit where applicable, and Master Development Plan provides an appropriate level of review.
- Whether the revised Master Development Plan process should apply to all Regional-scale and Infrastructure-Intensive mixed-use and nonresidential development or initially only to data centers.
- Whether the proposed development scale, electrical demand, water demand, and traffic thresholds are appropriate triggers for enhanced public review.
- Whether the 300-foot separation, Type D bufferyard, and existing-development expansion provisions are appropriate.
- Whether the proposed daytime, nighttime, C-weighted, and generator-testing noise standards provide an appropriate balance between property protection and practical enforcement.
- Whether the mandatory connection requirement, existing-source exemption, ownership-transfer provisions, and extraordinary-hardship well exception reflect the City's intended water policy.

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- What documentation, monitoring, equipment, staffing, or professional assistance may be needed to administer approved utility-demand limits and enforce the noise standards.
- Whether the initial ordinance package should require a decommissioning and site-restoration plan, financial assurance, or both; and, if so, whether those requirements should apply only to Data Center Developments or more broadly to Regional-scale and/or Infrastructure-Intensive development.
- Whether the initial ordinance package should establish requirements for the management, recycling, or disposal of electronic waste and related equipment; and, if so, whether those requirements should apply only to Data Center Developments or more broadly to Regional-scale and /or Infrastructure-Intensive development.
- Whether later drafts should address additional subjects, including preconstruction noise analysis, waste-heat mitigation, or other operational and long-term impacts not addressed by the initial ordinance package.

No formal action is requested at this meeting.

Next Steps

Following the work session, staff will evaluate Commission comments and prepare revisions to the draft ordinances as appropriate. A public open house is scheduled for October 1, 2026, to present the draft regulations and receive initial public feedback.

The Planning and Zoning Commission is scheduled to hold a formal public hearing on the draft ordinances on October 15, 2026. Following the hearing, the Commission may take action, continue its consideration to a later meeting, or request additional revisions. Any recommendation by the Commission and subsequent consideration or adoption by the City Council will occur at later meetings in accordance with the notice and procedures required by law.

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA,
CHAPTER 156: ZONING, RELATING TO DATA CENTERS AND DEVELOPMENT REVIEW**

WHEREAS, the City Council of the City of Marshalltown, Iowa, has adopted Chapter 156, Zoning; and

WHEREAS, data centers constitute an emerging land use that may vary substantially in building size, electrical demand, water demand, infrastructure requirements, and potential effects on surrounding properties and public infrastructure; and

WHEREAS, the City Council finds it appropriate to regulate data centers according to the scale, intensity, physical characteristics, infrastructure requirements, and effects of the proposed development; and

WHEREAS, the City Council further finds that regional-scale and infrastructure-intensive mixed-use and nonresidential developments warrant coordinated public review of site design, infrastructure, compatibility, public services, phasing, and mitigation; and

WHEREAS, the City Council finds the following amendments to Chapter 156 to be in the best interest of the City and the public in general.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
MARSHALLTOWN, IOWA:**

Section 1. Amendment. The following definitions are added alphabetically to § 156.M.003:

COMMON OR RELATED OWNERSHIP, CONTROL, OPERATION, OR DEVELOPMENT. Two or more parcels, lots, uses, structures, businesses, or development activities shall be considered under common or related ownership, control, operation, or development when they:

- (1) Are owned wholly or partially by the same person, partnership, corporation, limited liability company, trust, or other legal entity;
- (2) Are owned by separate entities having one or more common owners, members, shareholders, partners, officers, directors, managers, trustees, or beneficiaries;
- (3) Are managed, controlled, or operated by the same person or entity;
- (4) Function as part of a unified business operation, development project, or site plan; or

(5) Are developed, constructed, marketed, financed, or approved pursuant to a common plan of development or coordinated development scheme.

The existence of separate deeds, legal descriptions, lot lines, leases, tenants, or business entities shall not, by themselves, preclude a finding of common or related ownership, control, operation, or development. Separate ownership, management, financing, or organizational relationships shall establish common or related ownership, control, operation, or development only when the relationship is material to the ownership, control, operation, financing, approval, construction, or coordinated development of the properties or activities at issue.

DATA CENTER. A facility consisting of one or more buildings used primarily for the storage, management, processing, or transmission of digital data and containing computer or network equipment, systems, servers, appliances, or other associated components related to digital data storage and operations. The term includes commercial cryptocurrency mining operations and associated processing facilities.

DATA CENTER BUILDING. A building, or portion of a building, containing computer or network equipment, systems, servers, appliances, or other associated components used primarily for the storage, management, processing, or transmission of digital data.

DATA CENTER DEVELOPMENT. One or more Data Center Buildings and associated infrastructure located on a single site or on contiguous or functionally related parcels under common or related ownership, control, operation, or development, including buildings or infrastructure constructed or proposed to be constructed in phases.

DEVELOPMENT SCALE, COMMUNITY. A Mixed-Use or Nonresidential Development containing, or anticipated to contain upon ultimate buildout, more than 30,000 square feet but not more than 60,000 square feet of aggregate Gross Floor Area.

DEVELOPMENT SCALE, NEIGHBORHOOD. A Mixed-Use or Nonresidential Development containing, or anticipated to contain upon ultimate buildout, 30,000 square feet or less of aggregate Gross Floor Area.

DEVELOPMENT SCALE, REGIONAL. A Mixed-Use or Nonresidential Development containing, or anticipated to contain upon ultimate buildout, more than 60,000 square feet of aggregate Gross Floor Area.

ELECTRICAL DEMAND. The maximum anticipated simultaneous demand for electrical power necessary to operate a Development at anticipated ultimate buildout, expressed in megawatts (MW), regardless of whether the power is supplied by a public utility, private utility, on-site generation, or another source. On-site generation or energy storage shall not be deducted in determining Electrical Demand.

INFRASTRUCTURE-INTENSIVE DEVELOPMENT. A Mixed-Use or Nonresidential Development for which one or more of the following applies:

- (1) Electrical Demand exceeds 25 megawatts;
- (2) Non-Domestic Water Demand exceeds 75,000 gallons per day; or
- (3) Vehicle Trip Generation exceeds 500 annual average daily Vehicle Trips or 100 Vehicle Trips during a peak hour.

MIXED-USE OR NONRESIDENTIAL DEVELOPMENT. A Development containing one or more principal uses other than Household Living or Group Living, whether or not the Development also contains a residential use. An accessory nonresidential use that is incidental and subordinate to a residential principal use does not, by itself, constitute Mixed-Use or Nonresidential Development.

VEHICLE TRIP. A one-way movement of a vehicle entering or leaving a Development.

VEHICLE TRIP GENERATION. The anticipated number of Vehicle Trips generated by a Development at anticipated ultimate buildout, measured as: (1) the average daily number of Vehicle Trips over a calendar year; and (2) the number of Vehicle Trips during the highest-volume peak hour. A motor vehicle entering or leaving the Development constitutes one Vehicle Trip. Vehicle Trip Generation shall be determined using the current edition of the Institute of Transportation Engineers' *Trip Generation Manual* or another professionally accepted methodology approved by the City Engineer.

WATER DEMAND. The greatest anticipated average daily volume of water withdrawn or delivered from all sources to operate a Development at anticipated ultimate buildout, calculated over any period of 30 consecutive calendar days and expressed in gallons per day (GPD). Water recirculated within the same system shall not be counted more than once. Water used only for construction or emergency fire suppression is excluded.

WATER DEMAND, NON-DOMESTIC. The portion of Water Demand attributable to cooling, manufacturing, equipment operation, treatment, irrigation, or another commercial, industrial, institutional, or operational purpose. Non-Domestic Water Demand does not include water used for drinking, handwashing, toilets, showers, ordinary employee or occupant food preparation, or other ordinary domestic or sanitary purposes.

Section 2. Amendment. § 156.B.002, ZONING DISTRICTS ESTABLISHED, shall be deleted in its entirety and replaced with the following text, which includes establishment of a new overlay zoning district:

§ 156.B.002 ZONING DISTRICTS ESTABLISHED.

The following zoning districts are established for the purposes described below:

(A) Residential Districts.

- (1) AG, Agriculture. The purpose of the AG, Agriculture Zoning District is to provide for the preservation of land suitable for eventual development until such time as the necessary facilities and services are provided to such areas.
- (2) RR, Rural Residential. The purpose of the RR, Rural Residential Zoning District is to provide for existing residential or future residential areas in areas of difficult topography that will develop at a density of approximately two to three dwelling units per acre.
- (3) RL, Low-Density Residential. The purpose of the RL, Low-Density Residential Zoning District is to provide for single-family and duplex homes at a density of approximately four to eight dwelling units per acre.
- (4) RM, Medium-Density Residential. The purpose of the RM, Medium-Density Residential Zoning District is to provide for single-family and duplex homes, townhomes, or small multiple-family developments at a density of approximately six to 18 dwelling units per acre.
- (5) RH, High-Density Residential. The purpose of the RH, High-Density Residential Zoning District is to provide for single-family and duplex homes, townhomes, apartments, and other multiple-family developments at a density of approximately 14 to 31 dwelling units per acre.

(B) Mixed-Use Districts.

- (1) MU, Mixed-Use. The purpose of the MU, Mixed-Use Zoning District is to provide for mixed office, retail, and residential uses in neighborhood centers or in close proximity to residential areas.
- (2) UC, Urban Core. The purpose of the UC, Urban Core Zoning District is to provide for mixed office, retail, medical, institutional, and residential uses in the more intense setting of the urban core, including downtown.

(C) Nonresidential Districts.

- (1) GC, General Commercial. The purpose of the GC, General Commercial Zoning District is to provide for general commercial uses and businesses such as restaurants, retail, offices, hotels, banks, and other mixtures of uses in areas along major road corridors and further from residential areas.
- (2) GI, General Industrial. The purpose of the GI, General Industrial Zoning District is to provide for manufacturing, processing, storage, and distribution activities generally incompatible with residential, civic, and other public uses.

(D) Special Purpose Districts.

- (1) PUD, Planned Unit Development. The purpose of the PUD, Planned Unit Development Zoning District is to provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land uses shall be permitted, provided that the applicable site development regulations are complied with and that the intended uses are not in conflict with the general purpose and intent of this Zoning Ordinance or the Comprehensive Plan.
- (2) PI, Public and Institutional. The purpose of the PI, Public and Institutional Zoning District is to provide primarily for religious, medical, governmental, institutional, and educational facilities.
- (3) REC, Recreation. The purpose of the REC, Recreation Zoning District is to provide for areas of public or private ownership that will remain undeveloped as open space or will be developed as parks, including trails, golf courses, and other recreational facilities appropriate to the need and location.

(E) Overlay Districts.

- (1) UC-HD, Urban Core – Historic District. The purpose of the UC-HD, Urban Core – Historic District is to protect specific characteristics of the historic core of downtown while facilitating new construction designed to harmonize with the district's visual character.
- (2) DC, Data Center Overlay. The purpose of the DC, Data Center Overlay Zoning District is to identify locations eligible for Data Center Development based on compatibility with existing and planned land uses and the ability to accommodate applicable infrastructure, access, separation, buffering, site-design, public-service, and mitigation requirements.

Section 3. Amendment. §156.B.003(D) shall be deleted in its entirety and replaced with the following text:

(D) Omitted or annexed land.

(1) Omitted land. Any area within the City that is not shown on the Official Zoning Map as being included in a zoning district shall be deemed to be in the AG, Agriculture District unless the City Council designates another zoning district.

(2) Annexed land. Land annexed into the City shall be assigned the default base zoning district corresponding to its applicable Future Land Use designation in the Comprehensive Plan, as provided in Table 156.B.003-1, unless the City Council establishes another base zoning district concurrently with annexation.

Table 156.B.003-1	
Default Zoning of Annexed Land	
Future Land Use Designation	Default Base Zoning District
Agricultural	AG, Agriculture Zoning District
Urban Reserve	AG, Agriculture Zoning District
Low-Intensity Area	RR, Rural Residential Zoning District
Medium-Intensity Area	RM, Medium-Density Residential Zoning District
High-Intensity Area	RH, High-Density Residential Zoning District
Commercial Mixed-Use	GC, General Commercial Zoning District
Downtown Mixed-Use	UC, Urban Core Zoning District
Industrial	GI, General Industrial Zoning District
Parks and Open Space	REC, Recreation Zoning District
Public and Semi-Public	PI, Public and Institutional Zoning District

(3) Uncertain or multiple designations. If the applicable Future Land Use designation cannot be determined, is not addressed in Table 156.B.003-1, or includes more than one designation applicable to the annexed land, the land shall be assigned the AG, Agriculture Zoning District unless the City Council establishes another base zoning district concurrently with annexation.

(4) Overlay districts. Overlay Districts are not default base zoning districts that may be assigned to annexed land. An Overlay District may be applied only by action of the City Council in accordance with the applicable Zone Change procedures.

Section 4. Amendment. §156.B.006(A) is deleted in its entirety and replaced with the following:

(A) Development classifications.

(1) Residential development types. New developments that are primarily residential are classified as Conventional, Cluster, Infill, or Tiny House Neighborhood or Cottage Court, as applicable. Development of any residential development type permitted in the zoning district is at the option of the applicant. Where more than one residential development type is permitted in a zoning district, no development type is mandatory.

(2) Development Scale. Each Mixed-Use or Nonresidential Development shall be classified as Neighborhood-scale, Community-scale, or Regional-scale in accordance with division (E) of this section.

(3) Infrastructure Intensity. Each Mixed-Use or Nonresidential Development shall be evaluated for classification as Infrastructure-Intensive Development in accordance with division (F) of this section.

(4) Independent classifications. Development Scale and Infrastructure Intensity are independent classifications. A development may be subject to requirements associated with either or both classifications.

(5) Overlay districts. Application of an overlay district does not replace, supersede, or independently alter the Development Scale or Infrastructure Intensity classification applicable within the underlying base zoning district.

Refer to § 156.B.004, Residential District Development Standards, for lot density and dimension standards related to each permitted development and housing type combination.

Section 5. Amendment. A new division (E) is added to § 156.B.006 as follows:

(E) Mixed-Use and Nonresidential Development Scale.

(1) Classification. Each Mixed-Use or Nonresidential Development shall be classified as Neighborhood-scale Development, Community-scale Development, or Regional-scale Development in accordance with the applicable definitions in §156.M.003.

(2) Aggregate Development. When multiple buildings, lots, parcels, phases, facilities, or improvements are part of a single integrated or functionally related Development under common or related ownership, control, operation, or development, Development Scale shall be determined from the aggregate Gross Floor Area of the entire development.

(3) Phased Development. Development proposed or constructed in phases shall be classified based on the aggregate Gross Floor Area proposed at anticipated ultimate buildout, including all phases included in or reasonably anticipated as part of the development proposal.

(4) Subsequent Development. An expansion, addition, phase, or other modification to an existing development shall be evaluated based on the aggregate Gross Floor Area of the existing development and the proposed development following completion of the expansion, addition, phase, or modification.

(5) Avoidance prohibited. A development shall not be divided among separate buildings, lots, parcels, phases, ownership entities, operators, tenants, subsidiaries, affiliated entities, applications, or other components for the purpose of avoiding an applicable Development Scale classification or requirement.

(6) Determination. The Zoning Administrator shall determine the applicable Development Scale from the information submitted with the development application and other information reasonably necessary to determine compliance with this chapter.

Section 6. Amendment. A new division (F) is added to § 156.B.006 as follows:

(F) Infrastructure Intensity.

(1) Applicability. Infrastructure Intensity applies only to Mixed-Use or Nonresidential Development and is determined independently from Development Scale.

(2) Classification. A Mixed-Use or Nonresidential Development is Infrastructure-Intensive Development if it exceeds any threshold established in the definition of Infrastructure-Intensive Development in §156.M.003. A development that does not exceed any such threshold shall not be classified as Infrastructure-Intensive Development.

(3) Applicant documentation. The applicant shall provide sufficient information, as determined by the Zoning Administrator, to determine the development's Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation at anticipated ultimate buildout. The information shall include applicable development plans, equipment specifications, utility documentation, trip-generation calculations, and other supporting information deemed reasonably necessary by the Zoning Administrator to determine Infrastructure Intensity.

(4) Aggregate calculation. When multiple buildings, lots, parcels, phases, facilities, or improvements are part of a single integrated or functionally related development under common or related ownership, control, operation, or development, Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation shall be determined from the aggregate demand and trip generation of the entire development.

(5) Phased and subsequent development. Development proposed or constructed in phases shall be evaluated based on its aggregate Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation at anticipated ultimate buildout. An expansion, addition, phase, or other modification to an existing development shall be evaluated based on the aggregate demand and trip generation of the entire development following completion of the expansion, addition, phase, or modification.

(6) Avoidance prohibited. A development shall not be divided among separate buildings, lots, parcels, phases, ownership entities, operators, tenants, subsidiaries, affiliated entities, utility or access connections, applications, permits, or other components for the purpose of avoiding classification as Infrastructure-Intensive Development or an applicable requirement of this chapter.

(7) Administrative determination. The Zoning Administrator shall determine Electrical Demand, Non-Domestic Water Demand, Vehicle Trip Generation, and Infrastructure Intensity from the information submitted with the development application and any other information deemed reasonably necessary by the Zoning Administrator to determine compliance with this chapter. Technical information or review provided by a utility provider, the City Engineer, or another public agency may be considered, but the Zoning Administrator shall make the final classification under this chapter.

Section 7. Amendment. §156.C.002(C)(1) is deleted in its entirety and replaced with the following:

1. “P” means that the land use is permitted by right, subject to all applicable standards of this chapter, including any use-specific standards identified in the Standards column of Table 156.C.003-1.

Section 8. Amendment. §156.C.002(E) is deleted in its entirety and replaced with the following:

(E) Standards. The Standards column provides a reference to additional use-specific standards applicable to a use. Such standards apply regardless of whether the use is identified as permitted by right (P), permitted with limitations (L), or allowed as a special use (S), unless otherwise expressly provided. Where “N/A” is shown in the Standards column, Article C establishes no additional use-specific standard beyond the standards otherwise applicable under this chapter.

Section 9. Amendment. Table 156.C.003-1, Use Table, is amended by adding the following row within the Industrial use category and adding a new table note:

Table 156.C.003-1, Use Table																	
Use Category	Specific Use ¹	Cv = Conventional Cl = Cluster In = Infill	Residential						Mixed - Use		Nonresidential				Standards		
			A G	R R	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
Industrial																	
Data Center ³	All Data Center Uses ³	--	--	--	--	--	--	--	--	--	--	S	S	--	P	156.C.012	

Table Notes

³ The “P” and “S” designations for a Data Center apply only within the DC, Data Center Overlay District. A Data Center is prohibited on property not encompassed by the DC Overlay.

Section 10. Amendment. A new § 156.C.012 is added as follows:

§ 156.C.012 DATA CENTERS.

(A) Purpose. The purpose of this section is to establish standards for the location, development, expansion, and operation of Data Centers according to the scale and physical characteristics of the development and its potential effects on surrounding properties, public infrastructure, utilities, transportation systems, and public services.

(B) Applicability and aggregation.

(1) A Data Center may be established only within the DC, Data Center Overlay Zoning District and within an underlying base zoning district in which the use is designated “P” or “S” in Table 156.C.003-1. The DC, Data Center Overlay Zoning District does not authorize a Data Center in an underlying base zoning district where the use is shown as prohibited.

(2) All Data Center Buildings, associated infrastructure, accessory facilities, site improvements, and phases that are part of the same Data Center Development shall be evaluated collectively when determining Development Scale, Electrical Demand, Water Demand, Non-Domestic Water Demand, Vehicle Trip Generation, Infrastructure Intensity, and applicable development-review requirements.

(3) A Data Center Development shall not be divided among separate buildings, phases, parcels, ownership entities, operators, tenants, subsidiaries, affiliated entities, applications, permits, utility connections, access connections, or other components for the purpose of avoiding or reducing an applicable requirement of this chapter.

(4) An expansion, addition, phase, or other modification to an existing Data Center Development shall be evaluated based on the aggregate development that will exist following completion of the proposed expansion, addition, phase, or modification.

(C) Development review. A Data Center Development shall be subject to Site Plan review and, when required under Subsec. 156.J.003.3, Master Development Plan review, in addition to any other applicable development-review procedures of this chapter.

(D) Accessory uses and facilities.

(1) Subject to all applicable standards of this chapter, the following uses and facilities may be accessory to a Data Center Development when incidental and subordinate to the principal Data Center use:

- a. Battery energy storage systems;
- b. Solar arrays and similar on-site renewable energy generation systems;
- c. On-site standby or backup power generation facilities;
- d. Electrical substations, switchyards, transformers, and other electrical distribution equipment;
- e. District energy systems, microgrid infrastructure, and related energy distribution facilities;
- f. Water treatment, storage, reuse, and recycling facilities; and
- g. Offices, maintenance facilities, employee support facilities, and similar facilities incidental and subordinate to the Data Center use.

(2) An accessory use or facility shall remain subordinate and incidental to the Data Center Development. Its size, capacity, site area, and potential effects shall be reasonably proportionate to and supportive of the principal Data Center use as determined by the Zoning Administrator.

(3) A use or facility designed or intended primarily to serve other uses, properties, or customers is subject to the zoning requirements applicable to the corresponding principal use.

(4) The Zoning Administrator shall determine whether a proposed use or facility qualifies as accessory based on its nature, size, capacity, location, operational relationship to the Data Center Development, and potential effects.

(E) Separation and buffering.

(1) A minimum separation distance of 300 feet shall be maintained between any Data Center Building, emergency electrical generator serving a Data Center Development, exterior cooling equipment serving a Data Center Development, or other exterior mechanical or electrical equipment serving a Data Center Development and the property line of:

- a. Any property containing a principal Public Assembly use; and
- b. Any residentially zoned property, including residentially zoned property outside the corporate limits.

(2) The required separation shall be measured as the shortest horizontal distance between the applicable building or equipment and the property line from which separation is required.

(3) Parking areas, internal drives, security fencing, stormwater-management facilities, landscaping, and utility connections not containing exterior mechanical or electrical equipment are not subject to the separation requirement but remain subject to all otherwise applicable setbacks, buffering, screening, and development standards.

(4) A Type D bufferyard in accordance with § 156.F.004 shall be provided:

- a. Along each portion of the outer perimeter boundary of a Data Center Development that abuts the right-of-way of a street classified as a Principal Arterial, Minor Arterial, Major Collector, or Minor Collector in the Comprehensive Plan; and
- b. Along each portion of the outer perimeter boundary for which § 156.F.004 otherwise requires a bufferyard based on the zoning district or use of adjoining property.

A Type D bufferyard required by this paragraph shall be provided in lieu of, and shall satisfy, any less restrictive bufferyard otherwise required along the same boundary. Bufferyard requirements applicable to the same boundary are not cumulative.

(F) Utility, transportation, and infrastructure coordination.

(1) In addition to the information required under § 156.B.006(F), an application for a Data Center Development shall include documentation of anticipated utility demand, transportation demand, available capacity, service and interconnection requirements, infrastructure requirements, and responsibility for project-related improvements.

(2) Documentation shall address, as applicable:

- a. Electrical service;
- b. Water service;
- c. Wastewater service;
- d. Natural gas service;
- e. Telecommunications service;
- f. Transportation access and capacity; and
- g. Other utility or infrastructure services necessary to support the proposed development.

(3) Electrical-service documentation shall identify the maximum Electrical Demand, anticipated utility-service capacity, required interconnection and infrastructure improvements, and the general location of proposed substations, transmission or distribution facilities, on-site generation, energy storage systems, and backup power facilities.

(4) Water- and wastewater-service documentation shall identify the maximum Water Demand, maximum Non-Domestic Water Demand, anticipated peak daily water demand, anticipated wastewater generation, water sources, water reuse or conservation systems, and public or private improvements necessary to serve the development.

(5) Transportation documentation shall identify anticipated Vehicle Trip Generation, including average daily and peak-hour Vehicle Trips; anticipated employee, service, delivery, and truck traffic; proposed access points and internal circulation; affected streets and intersections; and public or private transportation improvements necessary to serve the development.

(6) Documentation shall be based on the maximum development proposed for approval, including all phases included in or reasonably anticipated as part of the Data Center Development.

(7) The City may require a utility analysis, capacity analysis, traffic study, facilities study, or other technical documentation to be reviewed by an independent qualified professional selected or approved by the City. The reasonable cost of the review shall be paid by the applicant.

(8) The City may consult affected utility providers, the City Engineer, and other public agencies when reviewing the documentation required by this division.

(9) Review under this section addresses local land-use, site-design, transportation, infrastructure-coordination, and public-service effects. It does not constitute approval of utility rates, service territories, utility generation or interconnection, or any other matter within the exclusive jurisdiction of a state or federal agency or utility provider.

(10) A Site Plan or Master Development Plan for a Data Center Development may be conditioned upon the construction or installation of, or payment of the development's proportionate share of public or private improvements identified through the documentation required by this division and reasonably necessary to serve the development or mitigate its project-related effects, subject to applicable law.

Section 11. Amendment. §156.D.002(I) is deleted in its entirety and replaced with the following:

(I) Exemption. A building wall is exempt from the requirements of this section when either of the following applies:

(1) The development is Neighborhood-scale or Community-scale Development located within the GI, General Industrial Zoning District, and the building wall:

a. Is not visible from an existing Principal Arterial or Minor Arterial; and

b. Does not face or adjoin a proposed street of either classification identified in the Comprehensive Plan.

(2) The building wall faces directly adjoining undeveloped land designated as Agriculture, Urban Reserve, or Parks and Open Space in the Comprehensive Plan.

Section 12. Amendment. Table 156.E.004, Minimum and Maximum Parking, is amended by adding the following:

Table 156.E.004			
Minimum and Maximum Parking			
SF = square feet GFA = gross floor area -- = no minimum or maximum, as applicable			
<u>Use Category</u>	<u>Subtype</u>	<u>Minimum Spaces</u>	<u>Maximum Spaces</u>
Data Center	All Data Center Types	1 per employee	--

Section 13. Amendment. §156.F.004(A) shall be deleted in its entirety and replaced with the following:

(A) Generally. The bufferyards required by this section provide transitions and physical barriers between properties containing differing land uses to reduce visual, noise, and other incompatibilities. Bufferyards are classified according to the level of screening they provide,

from Type A, providing the lowest level of screening, through Type D, providing the highest level of screening, based on the types and intensities of adjoining land uses.

Section 14. Amendment. §156.F.004(B)(2) shall be deleted in its entirety and replaced with the following:

(2) Plantings within Type A, Type B, and Type C bufferyards may be arranged in naturalistic groupings or evenly spaced. Plantings within a Type D bufferyard shall be arranged in staggered rows or naturalistic groupings that provide a layered, year-round visual screen.

Section 15. Amendment. §156.F.004(C) shall be deleted in its entirety and replaced with the following:

(C) *Bufferyard types.* There are four types of bufferyards, each of which varies in width and the numbers and types of plants required per 100 linear feet. The minimum planting requirements for each type of bufferyard are set out in Table 156.F.004-1, Bufferyard Classifications, except that parking lot setback plantings are set out in § 156.F.003, Development Landscaping. Illustrative examples of bufferyards are in Figure 156.F.004-1, Illustrative Bufferyard Types.

Section 16. Amendment. Table 156.F.004-1, Bufferyard Classifications, is amended by adding the following row under “Option 1: Landscape Only Bufferyard” and adding Table Note 3:

Table 156.F.004-1 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence ¹
		Overstory Trees	Understory Trees	Evergreen trees	Shrubs	
Option 1: Landscape Only Bufferyard						
Type D ³	30 ft.	4	4	8	20	N/A
Table Notes: ³ Only Option 1 applies to a Type D bufferyard. A berm, wall, or fence may be provided in addition to the required landscaping but shall not replace or reduce the required bufferyard width or plantings.						

Section 17. Amendment. §156.F.004(F) shall be deleted in its entirety and replaced with the following:

(F) Warranted exceptions to bufferyard requirements. When a bufferyard requirement would overburden a property by making development impractical, the Zoning Administrator may, in the Zoning Administrator’s discretion, reduce the required bufferyard width and require a privacy fence, screening wall, or other measures to mitigate the effects on the property to be buffered. Notwithstanding the foregoing, the required width or plantings of a Type D

bufferyard shall not be reduced, waived, or otherwise modified under this division or through an Administrative Adjustment. A fence, wall, berm, or other screening measure may supplement, but shall not replace, the required Type D plantings.

Section 18. Amendment. §156.F.004(H) shall be deleted in its entirety and replaced with the following:

(H) Relationship to other bufferyard requirements. Certain uses may be subject to additional or different bufferyard requirements established elsewhere in this Zoning Ordinance. Where more than one bufferyard requirement applies along the same portion of a property boundary, the requirement providing the greater level of screening shall apply. Bufferyard requirements applicable to the same portion of a property boundary are not cumulative.

Section 19. Amendment. Table 156.J.002.6-1, Required Notice, is amended by adding the following rows under “Legislative Applications”:

Table 156.J.002.6-1 Required Notice				
Review Procedure	Application Type	Review Body	Publication	Posted
Legislative Applications	Master Development Plan	Plan and Zoning Commission	Not Required	Required
	Appeal of Master Development Plan Decision	City Council	Required	Required

Section 20. Amendment. The row for Master Development Plan in Table 156.J.002.12-1, Development Review Summary Table, is deleted and replaced with the following:

Table 156.J.002.12-1 Development Review Summary Table					
Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Applicable Standards
			Recommendation	Final Decision	
Legislative Applications: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, city-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety and general welfare, including the city's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.					
Master Development Plan (156.J.003.3)	Concurrent with or after any required Zone Change or Special Use Permit and before approval of a Site Plan, plat, or other development permit	2 years	Zoning Administrator	PZC	Article B, Article C, Article D

Section 21. Amendment. Table 156.J.002.12-2, Review Steps, is amended by changing the entry in the "Public Notice (156.J.002.6)" row and the "All Other" column under "Legislative Applications" from "No" to "Yes."

Section 22. Amendment. Subsec. 156.J.003.3, Master Development Plan, is deleted in its entirety and replaced with the following:

Subsec. 156.J.003.3 Master Development Plan.

(A) Generally. A Master Development Plan establishes a coordinated and binding framework for the anticipated ultimate buildout of Regional-scale or Infrastructure-Intensive Development. The plan establishes the development's maximum intensity, general physical layout, infrastructure requirements, mitigation measures, and phasing before approval of implementing Site Plans, plats, and permits.

(B) Applicability.

(1) Required approval. Master Development Plan approval is required for:

- a. Any Regional-scale Development classified under § 156.B.006;
- b. Any Infrastructure-Intensive Development classified under § 156.B.006; or
- c. Any other use or development expressly required by this Zoning Ordinance to obtain Master Development Plan approval.

(2) Independent triggers. Regional-scale Development and Infrastructure-Intensive Development are independent classifications. A development meeting either classification requires Master Development Plan approval. A development meeting both classifications shall be reviewed under one Master Development Plan encompassing the entire development.

(3) Overall development. Development Scale and Infrastructure Intensity shall be determined from anticipated ultimate buildout in accordance with § 156.B.006. The determination shall include all related buildings, lots, parcels, phases, and supporting facilities under common or related ownership, control, operation, or development or that function as a coordinated development.

(4) Minor expansion exception. An expansion or modification to a development lawfully existing or approved before the effective date of the ordinance adopting this paragraph does not require Master Development Plan approval when the Zoning Administrator determines that all of the following criteria are satisfied:

- a. The aggregate Gross Floor Area, Electrical Demand, Non-Domestic Water Demand, and Vehicle Trip Generation following completion of the expansion or modification would not exceed 110% of the corresponding amounts lawfully existing or approved on the effective date of the ordinance adopting this paragraph;
- b. The calculation includes the development lawfully existing or approved on the effective date of the ordinance adopting this paragraph, the proposed expansion or modification, and all expansions or modifications approved after that date;
- c. The expansion or modification would not materially increase adverse effects on surrounding property, public infrastructure, utilities, transportation facilities, or public services;
- d. Adequate infrastructure, utility, transportation, and public-service capacity is available to serve the aggregate development, or any improvements necessary to provide such capacity will be completed as part of the expansion or modification;

- e. The expansion or modification does not remove or materially reduce required infrastructure, buffering, screening, public-service measures, or other mitigation;
- f. The development complies with all other applicable standards and approval requirements of this Zoning Ordinance; and
- g. The expansion or modification has not been divided, phased, or otherwise structured for the purpose of qualifying for the exception.

For purposes of this paragraph, the Zoning Administrator shall determine the amounts lawfully existing or approved on the effective date from permits, utility records, development plans, equipment specifications, trip-generation calculations, and other reasonably reliable information. The baseline established under this paragraph remains fixed and shall not be increased by an expansion or modification approved under this exception.

(5) Expansions requiring approval. Except as provided in paragraph (4), Master Development Plan approval is required before approval of an expansion or modification to an existing development when the aggregate development following completion of the expansion or modification is Regional-scale Development or Infrastructure-Intensive Development. The Master Development Plan shall encompass the existing development and the proposed expansion or modification.

(6) Avoidance prohibited. A development shall not be divided among separate buildings, lots, parcels, phases, applications, owners, operators, tenants, subsidiaries, affiliated entities, or utility connections for the purpose of avoiding Master Development Plan review.

(7) Timing. A required Master Development Plan shall be approved before final approval of a Site Plan, plat, grading permit, building permit, or other permit authorizing site work or construction.

(C) Relationship to other approvals.

(1) A Master Development Plan may be submitted and reviewed concurrently with a Zone Change, Special Use Permit, subdivision application, or other required development application.

(2) Master Development Plan approval does not constitute approval of a Zone Change, Special Use Permit, variance, Site Plan, plat, building permit, utility connection, development agreement, or other approval required by this Zoning Ordinance or other applicable law.

(3) When more than one approval is required, development shall not proceed until all required approvals have been obtained. Denial or expiration of one required approval is not superseded by approval of the Master Development Plan.

(4) An implementing Site Plan, plat, or permit may be reviewed concurrently with a Master Development Plan but shall not receive final approval until the Master Development Plan has been approved.

(D) Application contents. A Master Development Plan shall include, as applicable, the following information at a scale and level of detail sufficient to evaluate anticipated ultimate buildout:

(1) Development boundary. The boundaries, acreage, legal description, and ownership or control of all property included within the development.

(2) Existing conditions. Existing land uses, buildings, streets, access points, utilities, easements, topography, drainage patterns, floodplains, wetlands, natural resources, and other physical conditions affecting development of the property.

(3) Surrounding context. Existing and planned development surrounding the property and proposed transitions, separation, buffering, and compatibility measures.

(4) Land uses. The general location, type, and extent of each proposed residential, nonresidential, mixed, accessory, and supporting use.

(5) Development intensity. The maximum number of principal buildings, dwelling units where applicable, Gross Floor Area, building coverage, building height, and other measures necessary to establish the maximum intensity of the development.

(6) Building layout. The general location, scale, orientation, and relationship of proposed buildings and structures.

(7) Electrical demand and infrastructure. The maximum Electrical Demand of the development, anticipated demand of each phase, and the general location and capacity of substations, transmission or distribution facilities, on-site generation, energy storage systems, standby generators, and other supporting electrical infrastructure.

(8) Water and wastewater. The maximum Water Demand, maximum Non-Domestic Water Demand, anticipated peak-day water demand, anticipated wastewater generation, water sources, water reuse or conservation systems, and the general location and capacity of water and wastewater infrastructure.

(9) Other utilities. The general location and capacity of telecommunications, natural gas, and other public or private utility infrastructure necessary to serve the development.

(10) Access and circulation. Existing and proposed streets, driveways, access points, emergency-access routes, internal circulation, loading areas, parking areas, pedestrian and bicycle facilities where applicable, maximum Vehicle Trip Generation, including average daily and peak-hour Vehicle Trips, and anticipated transportation improvements.

(11) Stormwater and environmental conditions. Proposed stormwater facilities and areas designated for floodplain protection, natural-resource preservation, erosion control, or other environmental mitigation related to the physical development of the site.

(12) Site design and mitigation. The general location and character of landscaping, buffering, screening, open space, fencing, lighting, noise mitigation, and other site improvements intended to address the effects of the development.

(13) Public services. Anticipated demands on fire protection, emergency response, law enforcement, solid-waste services, transportation facilities, and other public services, together with proposed improvements or mitigation.

(14) Infrastructure and cost responsibility. Infrastructure improvements necessary to serve the development; the entity responsible for design, acquisition, construction, operation, maintenance, replacement, and cost; and any proposed City participation, reimbursement, or separate agreement.

(15) Phasing. The boundaries, sequence, timing, maximum development intensity, infrastructure, public-service measures, and mitigation associated with each phase.

(16) Implementation. The improvements, mitigation measures, agreements, easements, dedications, demand limitations, or other actions necessary to serve the development and implement the Master Development Plan.

(17) Additional information. Other information reasonably determined by the Zoning Administrator to be necessary to evaluate the criteria in division (E) of this subsection.

(E) Scope of review and required findings.

(1) Limited scope. Master Development Plan review shall not reconsider the legislative determination embodied in the applicable base and overlay zoning classifications that the identified use may be established on the property. Review shall be limited to determining whether the proposed development complies with the standards and criteria expressly identified in this subsection.

(2) Required findings. The PZC may approve or approve with conditions a Master Development Plan only upon finding that:

a. Infrastructure and utilities. Existing or planned utilities, streets, drainage facilities, and other public or private infrastructure can serve each phase and anticipated ultimate buildout, and the plan identifies necessary improvements, timing, demand limitations, and responsibility for project-related costs. Master Development Plan approval does not authorize City funding, reimbursement, property acquisition, or another commitment requiring separate approval.

b. Physical development. The general location, scale, layout, access, circulation, loading, parking, stormwater facilities, buildings, structures, and site improvements comply with applicable physical-development standards and will function safely and adequately.

c. Compatibility. The physical location, scale, design, and operation of the development are compatible with surrounding existing and planned development, or will be made compatible through separation, buffering, screening, design, operational limitations, or other mitigation related to an identified development effect.

d. Public services. Existing or planned fire protection, emergency response, law enforcement, solid-waste, transportation, and other public services can serve each phase and anticipated ultimate buildout, or necessary improvements and mitigation will be provided when required.

e. Phasing and mitigation. Development phases are logically sequenced; each phase can function safely and adequately; and required infrastructure, public-service measures, compatibility measures, and mitigation will be provided when needed through clear, measurable, and enforceable requirements.

(3) Public testimony. Public testimony may be considered only to the extent it provides evidence relevant to the criteria in this division.

(4) Opposition or desirability. A Master Development Plan shall not be denied, and a condition shall not be imposed, solely because of public opposition to or the perceived desirability or undesirability of a use permitted within the applicable zoning district.

(5) Written findings. The PZC's final decision shall include written findings addressing the applicable criteria in this division.

(F) Procedures and final decision.

(1) Staff review. The Zoning Administrator shall review the proposed Master Development Plan and may distribute it to affected City departments, public agencies, utility providers, and other entities for technical review and comment. The Zoning Administrator shall prepare a report and recommendation for the PZC.

(2) Public notice and hearing. Notice shall be provided and the PZC shall conduct a public hearing in accordance with Table 156.J.002.6-1, Table 156.J.002.12-2, Subsec. 156.J.002.6, and Subsec. 156.J.002.7.

(3) Final decision by PZC. Notwithstanding Subsec. 156.J.002.7(F)(2), the PZC is the final decision-making body for a Master Development Plan. The PZC shall approve, approve with conditions, or deny the Master Development Plan. No recommendation to or approval by the City Council is required. The PZC's decision is final unless timely appealed to the City Council in accordance with §156.I.001(C) and paragraph (6) of this division.

(4) Time for decision. The PZC shall take final action within 60 days after the date on which the public hearing is first opened unless the applicant agrees in writing to a later date. Failure to act within the period established by this paragraph does not constitute approval or denial. The applicant may seek any remedy available under applicable law.

(5) Conditions. The PZC may impose conditions only when the conditions:

- a. Address infrastructure, physical development, compatibility, public services, phasing, or mitigation under division (E);
- b. Are reasonably related and proportionate to an identified effect of the proposed development;
- c. Are stated with sufficient clarity to be administered and enforced; and
- d. Do not regulate utility rates, service territories, generation, interconnection, or another matter reserved to a state or federal agency or a utility provider.

(6) Appeal.

a. Filing. A person or entity with standing under subparagraph b may appeal the PZC's decision within 30 days after the date of the decision. The appeal shall be filed in writing with the Zoning Administrator.

b. Standing. The following persons and entities have standing to appeal:

- 1. The applicant;
- 2. An owner of property included within the Master Development Plan; or
- 3. An owner of property having any portion of its boundary located within 250 feet of the boundary of the Master Development Plan, excluding the width of any intervening public right-of-way.

c. Grounds. The appeal shall identify each finding, conclusion, condition, or procedural action being appealed and shall allege one or more of the following:

- 1. The PZC incorrectly applied a standard or review criterion of this Zoning Ordinance;
- 2. A material finding or conclusion is not supported by substantial evidence in the record;
- 3. A procedural error materially prejudiced the appellant's substantial rights; or

4. A condition of approval is not reasonably related or proportionate to an identified effect of the development.

Mere opposition to the proposed use or disagreement with its perceived desirability is not sufficient grounds for an appeal.

d. Scope of review. The City Council shall conduct the public hearing required by §156.I.001(C). Review shall be limited to the record before the PZC, the PZC's written decision, and argument concerning the grounds stated in the appeal. New evidence shall not be considered unless the City Council determines that it could not reasonably have been presented to the PZC or is necessary to address an alleged procedural error.

e. Decision. The City Council shall dismiss an appeal when the appellant lacks standing or has not stated a permitted ground for appeal. Otherwise, the City Council may affirm, reverse, or modify the PZC's decision or remand the matter to the PZC for further proceedings. The City Council shall apply the criteria in division (E) and issue a written decision addressing each properly raised ground.

f. Stay. A timely appeal stays the effectiveness of the PZC's decision until the City Council issues its final decision.

(G) Effect of approval.

(1) Binding plan. An approved Master Development Plan, including all plans, development limitations, phasing requirements, conditions, and mitigation measures incorporated into the approval, is binding on the subject property and all subsequent owners, operators, applicants, and successors in interest unless amended or expired under this subsection.

(2) Development limitations. The maximum Gross Floor Area, number of principal buildings, dwelling units, building coverage, building height, Electrical Demand, Water Demand, Non-Domestic Water Demand, Vehicle Trip Generation, development area, number of phases, and other limitations established by the approval shall not be exceeded.

(3) Subsequent approvals. Each subsequent Site Plan, plat, permit, and other development application shall demonstrate consistency and conformance with the approved Master Development Plan and its conditions.

(4) Administrative implementation. A Site Plan or other implementing application that conforms to the approved Master Development Plan may be reviewed and decided through the otherwise applicable administrative review procedure.

(5) No construction authorization. Master Development Plan approval does not authorize land disturbance, grading, construction, occupancy, or operation without all other required approvals and permits.

(6) No waiver. Master Development Plan approval does not waive or modify a standard of this Zoning Ordinance except through a variance, Administrative Adjustment, alternative-compliance procedure, or other modification expressly authorized by this Zoning Ordinance.

(H) Amendments.

(1) Substantial conformance. An implementing Site Plan, plat, or permit that remains substantially consistent with the approved Master Development Plan does not require amendment of the Master Development Plan.

(2) Administrative Adjustment. The Zoning Administrator may approve an Administrative Adjustment to an approved Master Development Plan under Subsec. 156.J.004.7 only if all of the following criteria are satisfied:

- a. Is not a major amendment under paragraph 3;
- b. Remains consistent with the purpose, general layout, development limitations, and conditions of the approved Master Development Plan;
- c. Does not materially increase an effect on surrounding property, public infrastructure, or public services; and
- d. Does not remove or materially reduce required infrastructure, buffering, screening, public-service measures, or other mitigation.

(3) Major amendment. The following changes constitute a major amendment and require review and approval through the same procedure as the original Master Development Plan:

- a. An increase in the approved maximum Electrical Demand, Water Demand, Non-Domestic Water Demand, or Vehicle Trip Generation;
- b. An increase in the approved maximum Gross Floor Area, number of principal buildings, number of dwelling units, building coverage, or building height;
- c. An expansion of the approved development boundary;
- d. Addition of a development phase or a material change to approved phasing;
- e. Addition of a principal use or a material change in the location or distribution of approved land uses;
- f. A material change in the location, type, or capacity of streets, access points, utility infrastructure, stormwater facilities, or other major infrastructure;

g. Removal or material reduction of required improvements, buffering, screening, public-service measures, or other mitigation;

h. A change that would materially increase the development's effects on surrounding properties, public infrastructure, or public services; or

i. Another change determined by the Zoning Administrator to be materially inconsistent with the approved Master Development Plan or its conditions.

(4) No demand adjustment. An Administrative Adjustment to an approved Master Development Plan shall not authorize an increase in the plan's approved maximum Electrical Demand, Water Demand, Non-Domestic Water Demand, or Vehicle Trip Generation.

(5) Administrative determination. The Zoning Administrator shall determine whether a proposed change is in substantial conformance, requires an Administrative Adjustment, or is a major amendment. An appeal of that administrative determination may be filed under Subsec. 156.J.005.3, Appeal of Administrative Decision.

(l) Time frame and expiration.

(1) Initial validity. Master Development Plan approval is valid for the period established in Table 156.J.002.12-1.

(2) Commencement. Unless an extension is approved, the Master Development Plan expires if, within two years after its approval, no implementing Site Plan or plat has received final approval and no permit authorizing substantial site work or construction has been issued.

(3) Multiphased development. Following timely approval of an implementing Site Plan, plat, or permit, the Master Development Plan remains effective for subsequent phases so long as development proceeds in substantial accordance with the approved phasing schedule and any phase-completion or commencement deadlines imposed as conditions of approval.

(4) Extension. An extension may be requested and considered under Subsec. 156.J.002.11, Approval Extension. The PZC may require an amended phasing schedule or updated information regarding infrastructure capacity, physical development, compatibility, public services, or mitigation as a condition of extension.

(5) Effect of expiration. Expiration of a Master Development Plan does not invalidate a lawfully approved and unexpired Site Plan, plat, or permit or require removal of lawfully completed improvements. An undeveloped portion of the property is subject to the standards and approval requirements in effect when a new development application is submitted.

Section 23. Severability.

If any section, provision, or part of this ordinance is adjudged invalid or unconstitutional, that adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part not adjudged invalid or unconstitutional.

Section 24. Effective Date.

This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

Passed this ____ day of _____ 2026 and signed this ____ day of _____ 2026.

Signatures on the following page.

CITY OF MARSHALLTOWN, IOWA

Mike Ladehoff, Mayor

ATTEST:

Alicia Hunter, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the ____ day of _____ 2026, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____ 2026.

Alicia Hunter, City Clerk

**AN ORDINANCE RELATING TO THE MANDATORY CONNECTION TO THE
PUBLIC WATER SYSTEMS OF THE CITY OF MARSHALLTOWN, IOWA**

WHEREAS, the City of Marshalltown, Iowa (“the City”), pursuant to the powers vested in it by Article III, § 38A of the Iowa Constitution and by Iowa Code chapter 364, in order to promote, protect, and improve the public health and general welfare of the citizens of the City, deems it necessary to make and place into effect certain rules and regulations regarding connections to the public water systems within the City; and

WHEREAS, the City deems it necessary to promote, protect, and improve the public health and general welfare of the citizens of the City by requiring the connection of homes, buildings, premises or other facilities within the City to the public water systems and prohibiting the interconnection of private well water systems so as to ensure the public water supply is not contaminated by a private source of water; and

WHEREAS, the City has the Constitutional and statutory power to require such connections to the public water systems and to prohibit the interconnection of private well water with City water; and

WHEREAS, all such powers of the City are appropriately exercised by the passage of this ordinance.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

SECTION 1. TEXT AMENDMENT – TITLE IX. GENERAL REGULATIONS of the Code of Ordinances is amended by adding the following new Chapter 96:

§ 96.001 PURPOSE. The City has the right and duty to promote, protect, and improve the public health and general welfare of the citizens of the City, including by requiring the connection of homes, buildings, premises or other facilities within the City to the public water systems of the City in order to ensure sufficient access to potable water and by prohibiting the interconnection of private well water systems in order to ensure that the public water supply is not contaminated by contact with a private source of water.

§ 96.002 MANDATORY CONNECTION. Every parcel of land or premises within the corporate limits of the City of Marshalltown, that is improved by construction of a home, building, premises, structure, or other facility for occupancy and capable of being occupied or used by any person or persons, for employment, for recreation, as a commercial business, as an industrial facility, or for other similar purposes shall connect such land or premises with the City’s public water supply system. Once so connected, a customer or resident shall not obtain water from any other source and no resident of the City or customer of the City’s water utility shall interconnect a private well

or other source of water with the City's public water supply system. The purposes of the mandatory connection requirement and the prohibition on the interconnection of private sources are to protect the public health, welfare, safety, and environment, to promote water resource conservation; to eliminate inferior treatment processes, to create economies of scale for source water treatment, transmission and distribution, and the allocation of the costs of utility service fairly among all users of the system. The owner, manager, or corporate officer responsible for the land or premises shall make or cause to be made, such connection.

§ 96.003 EXEMPTION. Existing homes, buildings, premises or other facilities within the City currently supplied by an existing water source that is not interconnected with the City's public water supply system on or before the effective date of this ordinance are exempt from the mandatory connection requirement described in this chapter. This exemption applies only to existing owners and shall not be transferred to a new owner upon a change in ownership of the property, unless all the exceptions to private well restrictions in Chapter 97 of the City of Marshalltown Code of Ordinances are satisfied.

§ 96.004 CONNECTION DEADLINE. As a matter of public health, all connections to the public water systems shall be completed no later than sixty (60) days after the effective date of this ordinance or the date of official notice by the City and/or City Utility to make such connections, whichever is later. Newly constructed structures required to connect shall be connected prior to occupancy thereof, and the City may withhold certificates of occupancy until the connection requirement is satisfied.

§ 96.005 CONNECTION BY THE CITY OR THE CITY UTILITY. Whenever a connection is required and the person owning the real estate fails to make the connection within the time fixed by the governing body of the City or the City Utility, the governing body of the City or the City Utility shall cause such connections to be made, and may assess against the property in front of which such connections are made and the cost and expense thereof.

§ 96.006 REPORT OF COSTS WHEN CONNECTION IS MADE BY THE CITY OR CITY UTILITY. Whenever the governing body of the City or City Utility shall cause a connection to be made pursuant to this chapter, the person having charge of making the connection shall make a return of the actual cost and expense thereof to the governing body at its first regular meeting thereafter, giving a detailed statement and the description of the various pieces of property and the names of the owners of the property, and the amount of cost and expense for making the connections.

§ 96.007 ASSESSMENT OF COSTS WHEN CONNECTION IS MADE BY THE CITY OR CITY UTILITY.

(1) In the making of the report of costs required in Section 6 of this ordinance, it shall be the duty of the governing body of the City or City Utility to give notice to all whom it may concern, by publication in the official newspaper of the city, that the cost and expense will be assessed

against the property in front of which such connections have been made by the city and/or city utility, and that the matter will be acted upon at the first regular meeting of the governing body thereafter, and that any objections thereto will be heard at the meeting.

(2) After hearing objections, if there be any made, and making such alteration in the assessment as the governing body may deem just, the governing body may make the assessment. It shall be the duty of the person owning the property or premises so assessed to pay the assessment within 30 days after levy of the assessment. At the expiration of the 30 days, the City and/or City Utility shall report those having failed to pay, and shall certify the assessment, if there are any delinquent thereon, to the county auditor, to be collected and paid over to the county treasurer in the same manner as other taxes. In addition, the City and/or City Utility reserves the right to file an appropriate action in a court of applicable jurisdiction to seek injunctive or other appropriate relief to compel such connections.

§ 96.008 MUNICIPAL INFRACTION. Any violation of the provisions of this chapter shall be subject to a municipal infraction in accordance with Section 10.999 of the City of Marshalltown Code of Ordinances. Each day that a violation continues and each premises of the owner at which it occurs shall constitute a separate and distinct violation.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. Severability. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. Effective Date. That the provisions of this ordinance shall become effective from and after its final passage, approval, and publication as provided by law.

ORDINANCE CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF MARSHALL

)

1. I certify that Ordinance Number _____, of which a true copy is attached, was duly adopted by the City Council of the City of Marshalltown, State of Iowa, signed by the Mayor and published as required by law and is now in effect. I further certify that the consideration(s) and votes taken for the enactment of the Ordinance occurred as follows:

(For any consideration that was waived, insert N/A in the blanks for that consideration and complete paragraph regarding waiver below.)

First consideration - Date: _____

Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

Second consideration - Date: _____

Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

Third Consideration - Date: _____

Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

On the date of _____, 2026, the City Council adopted a motion for the suspension of the rule requiring separate consideration at three meetings and voted the final adoption of the Ordinance. The vote for suspension of the rules was by three-fourths of the full City Council, voting _____ in favor, _____ opposed, and _____ absent, vacant or abstaining and was duly recorded as noted above.

2. I further certify that if any consideration of the Ordinance did not receive an affirmative vote for passage, there was no further consideration of the Ordinance on any date thereafter.
3. Following final approval of the Ordinance by the City Council, the full text of Ordinance (or a summary of the Ordinance complying with Iowa Code Section 380.7(3)) was published in the following newspaper(s): _____ on the following date(s): _____, 2026.
4. I further certify that each meeting for the consideration of the Ordinance was duly and publicly held, with a notice of the meeting and tentative agenda naming the consideration of the Ordinance timely posted and upon reasonable advance notice to the media as required by the Chapter 21, Code of Iowa, and rules of the Council then governing.
5. I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, 2026.

City Clerk, City of Marshalltown, State of Iowa

(SEAL)

4894-1430-2177-7\20500-000

DRAFT

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA,
CHAPTER 134: NOISE CONTROL**

WHEREAS, the City Council of the City of Marshalltown, Iowa, has adopted Chapter 134, Noise Control; and

WHEREAS, the City Council finds it appropriate to establish objective A-weighted and C-weighted sound limits and to authorize supplemental measurement methods when warranted by the characteristics of a sound; and

WHEREAS, the City Council finds it appropriate to establish reasonable standards for routine testing and maintenance of emergency electrical generators while recognizing that operation during an actual electrical outage or emergency may temporarily exceed otherwise applicable sound limits; and

WHEREAS, the City Council finds the following amendments to Chapter 134 to be in the best interest of the City and the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. Amendment. §134.001(C) is repealed and replaced with the following:

(C) A sound measurement used to establish a numerical violation of this chapter shall be made with a sound level meter as defined in §134.002.

The instrument shall be maintained in calibration and good working order and operated within a measurement range appropriate for the sound level being evaluated. A calibration check, as defined in §134.002, shall be made at the time of a measurement used to establish a numerical violation.

Measurements shall be taken in a manner that reasonably represents the sound produced by the source under investigation. The microphone shall be positioned so as not to create an unnatural enhancement or diminution of the measured sound. A windscreen shall be used for outdoor measurements when required by weather conditions or the instrument manufacturer's instructions. A measurement materially affected by wind, precipitation, or sound from an unrelated source shall be disregarded or repeated.

Unless otherwise provided by this chapter, sound shall be measured using the A-weighted, slow-response setting. When expressly authorized by this chapter, sound may be measured using the C-weighted, slow-response setting. Octave-band, one-third-octave-band, narrow-band, vibration, or

other technically appropriate measurements may be conducted or obtained as supplemental analysis when warranted by the characteristics of the sound.

Section 2. Amendment. §134.002 is amended by adding the following definitions to the existing list of definitions in alphabetical order:

C-WEIGHTED SOUND LEVEL. The sound pressure level in decibels measured using the C-weighting network of a sound level meter. The level is designated dB(C) or dBC.

EMERGENCY ELECTRICAL GENERATOR. Equipment designed and operated primarily to provide temporary electrical power during an actual interruption of normal utility service or during an emergency requiring temporary electrical power to protect life, public health, safety, or property. The term includes portable and permanently installed generators and their associated engines, cooling systems, exhaust systems, transformers, and electrical equipment.

NOISE-SENSITIVE RECEIVING PROPERTY. Property containing a dwelling, school, childcare facility, hospital, nursing or assisted-living facility, place of worship, library, or another use where quiet is of particular importance to the intended use of the property.

RECEIVING PROPERTY. Property, other than the property containing the source of the sound, at or within which sound from the source is received.

STEADY SOUND. Sound that remains essentially constant, fluctuating no more than plus or minus two decibels during a two-minute observation period, and that occurs or may reasonably be expected to occur for at least 15 minutes during any one-hour period.

Section 3. Amendment. The definitions of NOISE DISTURBANCE and SOUND LEVEL METER in §134.002 are repealed and replaced with the following:

NOISE DISTURBANCE. Any sound or acoustic energy, whether or not audible to a particular person, that:

- (1) Endangers the welfare, safety, or health of a human being;
- (2) Disturbs a reasonable person of normal sensitivities;
- (3) Causes or contributes to objectively observable vibration, rattling, or structural resonance on receiving property;
- (4) Materially interferes with the reasonable use and enjoyment of property; or
- (5) Exceeds an applicable sound limit established by this chapter.

SOUND LEVEL METER. An instrument designed to measure sound pressure levels in decibels and meeting the performance requirements for a Type 1 or Type 2 instrument under ANSI S1.4, a Class 1 or Class 2 instrument under ANSI/ASA S1.4/IEC 61672-1, or an equivalent successor standard.

Section 4. Amendment. §134.003(B) is hereby amended to read as follows:

(B) The emission of sound in the performance of emergency work, except that operation of an emergency electrical generator is governed by §134.010.

Section 5. Amendment. §134.005(A) is repealed and replaced with the following:

(A) No person shall cause, permit, engage in, or participate in the making or creation of sound that exceeds an applicable limit established by this chapter when measured in the manner prescribed by §134.001(C) and this section, except when authorized by and operated in compliance with a valid noise permit or an express exception contained in this chapter.

Section 6. Amendment. §134.005(D) is repealed and replaced with the following:

(D) For the purpose of determining and classifying sound as excessive or unusually loud, the following measurement requirements and standards shall apply:

(1) Measurement Location. Sound shall be measured at or within the boundary of the receiving property at the location reasonably nearest to the source of the sound or at another location on the receiving property where the sound disturbance occurs. When measurement at the receiving-property boundary is impractical or would provide a misleading result, sound may be measured at another representative location using technically appropriate correction factors.

(2) Measurement Method. Except when another measurement method is expressly authorized by this chapter, sound shall be measured using the A-weighted, slow-response setting. When determining compliance with a C-weighted sound limit, sound shall be measured using the C-weighted, slow-response setting.

A measurement shall be taken during a representative observation period of at least two minutes. The maximum sound level displayed during the observation period and attributable to the source under investigation shall constitute the measured sound level. Brief sound events not attributable to the source under investigation shall be disregarded.

(3) Maximum A-Weighted Sound Levels. The applicable maximum sound level shall be determined by the zoning classification of the receiving property, except that any noise-sensitive receiving property shall be subject to the residential sound limits regardless of its zoning classification. If more than one classification applies, the lowest applicable maximum sound level shall govern. Sound measured or registered in excess of the applicable maximum permitted level established below is declared excessive and unusually loud and is unlawful:

Table 134.005(D)-1 Maximum A-Weighted Sound Levels		
Receiving Property	Daytime Maximum (7:00 a.m. to 10:00 p.m.)	Nighttime Maximum (10:00 p.m. to 7:00 a.m.)
Rural Residential, Low-Density Residential, Medium-Density Residential, High-Density Residential, or any noise-sensitive receiving property	60 dBA	50 dBA
Mixed-Use, Urban Core, General Commercial, or Agriculture	65 dBA	65 dBA
General Industrial	80 dBA	80 dBA
Public and Institutional or Recreation	65 dBA	65 dBA

(4) Maximum C-Weighted Sound Levels. The C-weighted sound limits established below apply to steady sound received at a residentially zoned or noise-sensitive receiving property. Sound measured or registered in excess of the applicable maximum permitted level is declared excessive and unusually loud and is unlawful:

Table 134.005(D)-2 Maximum C-Weighted Sound Levels		
Receiving Property	Daytime Maximum (7:00 a.m. to 10:00 p.m.)	Nighttime Maximum (10:00 p.m. to 7:00 a.m.)
Rural Residential, Low-Density Residential, Medium-Density Residential, High-Density Residential, or any noise-sensitive receiving property	73 dBC	68 dBC

Compliance with an A-weighted sound limit does not establish compliance with a C-weighted sound limit, and compliance with a C-weighted sound limit does not establish compliance with an A-weighted sound limit.

(5) Supplemental Analysis. When the Noise Control Office determines that an A-weighted or C-weighted measurement may not adequately characterize the sound under investigation, the Noise Control Office may conduct or obtain octave-band, one-third-octave-band, narrow-band, vibration, or other technically appropriate measurements.

Supplemental analysis may be used to characterize a sound, evaluate sound-control measures, or determine whether the sound otherwise constitutes a noise disturbance. Supplemental analysis does not reduce or adjust an applicable A-weighted or C-weighted sound limit and does not

independently establish a numerical violation unless this chapter expressly establishes a numerical limit for that measurement.

(6) Audibility. A sound or acoustic condition need not be audible to a particular individual for a violation to be established through an applicable objective measurement. The mere detection of infrasound, ultrasound, vibration, or other acoustic energy does not, standing alone, establish a violation unless an applicable limit is exceeded or the condition otherwise constitutes a noise disturbance under this chapter.

Section 7. Amendment. §134.006(B) is amended by adding a new subsection (4) to read as follows:

(4) The application fee for a recurring generator testing permit issued pursuant to subsection (D) shall be \$250 for each permit period. Any reasonable cost incurred by the City for specialized acoustic review, field measurement, or other technical assistance necessary to evaluate the application shall be paid by the applicant in addition to the application fee. The City shall provide the applicant with notice of the anticipated cost before incurring the expense.

Section 8. Amendment. §134.006 is amended by adding a new subsection (D) to read as follows:

(D) Recurring Generator Testing Permits.

(1) The Noise Control Office may issue a single noise permit authorizing a recurring schedule for testing and maintenance of emergency electrical generators for a period not exceeding 12 months. A permit may be renewed upon submission and approval of a new application.

(2) In addition to the information required by subsection (A), an application for a recurring generator testing permit shall identify:

- a. The number, type, and location of generators to be tested;
- b. The purpose of the testing, including whether the testing is required by federal or state law, an adopted fire or building code, the generator manufacturer, the authority having jurisdiction, or another operational or safety requirement;
- c. The proposed days and hours of testing;
- d. The proposed frequency and maximum duration of each testing event;
- e. The maximum aggregate testing duration;
- f. The maximum number of generators to be operated simultaneously;
- g. The anticipated sound levels at receiving properties; and

h. The sound-control and vibration-control measures to be used during testing.

(3) The permit shall specify the approved testing schedule, maximum duration of each testing event, maximum aggregate testing duration, number of generators that may be operated simultaneously, maximum permitted sound level, and required sound-control measures. The Noise Control Office may also require sound monitoring or advance notice to neighboring properties.

(4) A separate application, permit, or application fee shall not be required for each testing event conducted in accordance with the approved recurring schedule.

(5) Sound produced during testing conducted under a recurring generator testing permit shall not exceed the maximum permitted sound levels established by subsection (C). For purposes of applying subsection (C), duration shall mean the duration of each individual testing event and not the total term of the recurring permit.

(6) Testing conducted outside the approved schedule or in violation of a permit condition is not authorized by the permit and shall be subject to the otherwise applicable provisions of this chapter.

Section 9. Amendment. Chapter 134 is amended by adding a new §134.010 to read as follows:
§134.010 EMERGENCY ELECTRICAL GENERATORS.

(A) Routine Testing and Maintenance. Notwithstanding §134.005, routine testing and maintenance of an emergency electrical generator may temporarily exceed the otherwise applicable sound limits without obtaining a noise permit, provided that:

(1) Testing occurs only between 8:00 a.m. and 6:00 p.m.;

(2) Testing occurs on no more than one day during any consecutive seven-day period and does not exceed one hour in the aggregate during that day;

(3) Testing does not exceed 80 dBA when measured at a residentially zoned or noise-sensitive receiving property; and

(4) All manufacturer-provided mufflers, enclosures, vibration isolation, and other sound-control components are installed, maintained in good working order, and used during testing.

Testing that does not comply with this subsection is subject to the ordinary sound limits of §134.005 unless authorized by a noise permit.

(B) Additional or Extended Testing. Testing or maintenance that exceeds the frequency, duration, simultaneous-operation, or sound-level limitations of subsection (A), including commissioning and load-bank testing, may be authorized by a noise permit issued pursuant to §134.006.

(C) Installation and Maintenance. A permanently installed emergency electrical generator shall be located, enclosed, muffled, equipped, and maintained so that routine testing and maintenance comply with the applicable sound limits of this chapter. Manufacturer-provided mufflers, enclosures, vibration isolation, and other sound-control components shall be installed, maintained in good working order, and used during operation.

(D) Actual Outage, Mandatory Disconnection, or Emergency Operation. The numerical sound limits and adjustments established by §134.005 do not apply to the operation of an emergency electrical generator:

- (1) During an actual interruption of normal utility electrical service;
- (2) When normal utility electrical service is unavailable or unsafe for use;
- (3) When the owner or operator of the premises is directed to disconnect from, or materially curtail its use of, the electric grid by the serving electric utility, a regional transmission organization, an independent system operator, a balancing authority, or a governmental authority because of an existing or imminent electric-system emergency, reliability condition, or safety hazard; or
- (4) During another emergency when generator operation is reasonably necessary to protect life, public health, safety, or property.

Operation under this subsection shall be limited to the duration reasonably necessary. Operation under paragraph (3) shall be limited to serving on-site electrical demand displaced by the required disconnection or curtailment and shall cease within a reasonable period after the directive expires or is withdrawn. Upon request by the Noise Control Office, the owner or operator shall provide documentation identifying the issuing authority, the time and duration of the directive, and the disconnection or curtailment required.

(E) Excluded Operations. The exception provided by subsection (D) does not apply to:

- (1) Routine testing, maintenance, or commissioning;
- (2) Peak shaving, economic dispatch, or operation undertaken in response to electricity prices or other economic considerations;
- (3) Voluntary demand-response or load-management participation, including operation undertaken to satisfy a contractual commitment voluntarily assumed by the owner or operator;
- (4) A self-initiated disconnection from, or reduction in use of, the electric grid when normal utility electrical service remains available and safe for use and no directive qualifying under subsection (D)(3) is in effect;

(5) Grid-support operation that is requested, encouraged, or financially incentivized but is not required by a directive qualifying under subsection (D)(3); or

(6) Generation of electricity for sale or another nonemergency commercial purpose.

(F) Restoration of Utility Service and Extended Operation.

(1) Operation under subsection (D) shall cease within a reasonable period after normal utility electrical service has been restored and is reasonably stable, except for a manufacturer-recommended cool-down period or other operation necessary to safely return the equipment to standby condition.

(2) If operation under subsection (D) continues for more than seven consecutive days, the owner or operator shall notify the Noise Control Office no later than the first business day following that seven-day period. The notice shall identify:

- a. The condition necessitating generator operation;
- b. The date generator operation began;
- c. The current status and anticipated duration of the condition, to the extent reasonably known;
- d. The efforts being made to restore or obtain normal utility electrical service or another lawful source of power; and
- e. The noise-control measures being implemented during the extended operation.

(3) If operation under subsection (D) continues for more than 30 consecutive days, the owner or operator shall submit an extended-operation and noise-mitigation plan to the Noise Control Office. In addition to updating the information required by paragraph (2), the plan shall include:

- a. Documentation of the continuing qualifying condition and the circumstances causing it;
- b. The electrical load that must be served;
- c. An evaluation of reasonably available alternatives to continued operation of the emergency generators;
- d. Existing and proposed measures to reduce sound and vibration at receiving properties;
- e. Proposed sound-monitoring procedures; and
- f. A schedule for implementing additional reasonable mitigation measures.

(4) During operation extending beyond 30 consecutive days, the owner or operator shall implement noise-control measures that are technically practicable and reasonably proportionate to the anticipated duration of operation, the sound received at affected properties, the electrical needs served, and the cost and effectiveness of the measures.

(5) The Noise Control Office may establish reasonable conditions for operation extending beyond 30 consecutive days, including sound monitoring, operational limitations, temporary or permanent sound-control measures, and periodic reporting. Such conditions shall not require cessation of generator operation while:

- a. A qualifying condition under subsection (D) remains in effect;
- b. Generator operation remains reasonably necessary to respond to that condition; and
- c. No reasonable alternative source of power is available.

(6) The owner or operator shall notify the Noise Control Office when the qualifying condition ends and shall provide updated information upon a material change in circumstances or at reasonable intervals requested by the Noise Control Office. An extended-operation and noise-mitigation plan shall be reviewed at least annually while generator operation continues.

(7) Continued operation is not prohibited solely because of its duration. However, the exception provided by subsection (D) applies only while operation remains a reasonably necessary response to a qualifying condition. The exception does not protect:

- a. A qualifying condition that is created, prolonged, maintained, or invoked for the purpose of avoiding the otherwise applicable sound limits;
- b. Generator operation that is voluntary or economically motivated; or
- c. Failure to submit, implement, or comply with a notice, plan, mitigation measure, reporting requirement, or operational condition required by this subsection.

Section 10. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 11. When Effective. This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

Passed this ____ day of _____ 2026 and signed this ____ day of _____ 2026.

Signatures on the following page.

CITY OF MARSHALLTOWN, IOWA

Mike Ladehoff, Mayor

ATTEST:

Alicia Hunter, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the ____ day of _____ 2026, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____ 2026.

Alicia Hunter, City Clerk

**AN ORDINANCE RELATING TO RESTRICTIONS ON DRILLING PRIVATE WELLS
IN THE CITY OF MARSHALLTOWN, IOWA**

WHEREAS, the City of Marshalltown, Iowa, the “City” herein, under and pursuant to the powers vested in it by Article III, § 38A of the Iowa Constitution and by Iowa Code chapter 364, in order to promote, protect, improve the public health and general welfare of the citizens of the City, and to reduce the burden on the aquifer and/or surface water source that supplies water to the public water systems of the City deems it necessary to make and place into effect certain rules and regulations regarding the public water systems within the City and the drilling of private wells; and

WHEREAS, the City deems it necessary to promote, protect, improve the public health and general welfare of the citizens of the City, and to reduce the burden on the underground aquifer and/or surface water source that supplies water to the public water systems of the City; and

WHEREAS, the City has the Constitutional and statutory power to restrict the drilling of private wells within City limits; and

WHEREAS, all such powers of the City are appropriately exercised by the passage of this ordinance.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

SECTION 1. TEXT AMENDMENT – TITLE IX. GENERAL REGULATIONS of the Code of Ordinances is amended by adding the following new Chapter 97:

§ 97.001 PURPOSE. The City has the right and duty to promote, protect, and improve the public health and general welfare of the citizens of the City, including by prohibiting the creation of new private wells within the City in order to ensure the adequacy, integrity, and quality of the public water supply of the City’s residents and to reduce the burden on the aquifer and/or surface water source that supplies water to the public water systems of the City.

§ 97.002 PRIVATE WELLS PROHIBITED. No parcel of land or premises within the corporate limits of the City of Marshalltown, that is improved by construction of a home, building, premises, structure, or other facility for occupancy and capable of being occupied or used by any person or persons, for employment, for recreation, as a commercial business, as an industrial facility, or for other similar purposes may drill, construct, operate or maintain any water well used for any purpose if connection to the public water supply system is reasonably available. The City reserves the right to make the final determination as to whether the public water supply system is reasonably available.

§ 97.003 EXCEPTIONS.

A. This chapter shall not apply to any private well existing and in operation within the corporate limits of the City of Marshalltown on the date of the passage of the ordinance until such time as there is a change in ownership of the property, unless all of the conditions in Section 3(B) of this chapter are satisfied.

B. This chapter shall not apply to a private well upon written application to the City of Marshalltown and the City Council determines that the proposed private well is needed due to extraordinary circumstances caused by the location of the property at issue which, if a private well was not used, would impose an extraordinary hardship upon the property owner; and confirms its receipt of all the following information from Marshalltown Water Works (“the City Utility”) indicating that:

1. the City’s public water system is not reasonably available to the point of water use that is the subject of the private well application;
2. the drilling and use of the proposed private well would not adversely impact the underground aquifer that supplies water to the public water systems of the City;
3. the drilling and use of the proposed private well would not adversely impact the quality of the water used and supplied by the public water systems of the City;
4. the drilling and use of the proposed private well would not adversely impact the rate payers of the City Utility and shift costs to them inappropriately; and
5. the City Utility verifies with the Iowa Department of Natural Resources that the placement, depth and other features associated with the proposed private well do not conflict with any actively monitored Leaking Underground Storage Tank site or cause other water quality problems.

§ 97.004 MUNICIPAL INFRACTION. Any violation of the provisions of this chapter shall be subject to a municipal infraction in accordance with Section 10.999 of the City of Marshalltown Code of Ordinances. Each day that a violation continues and each property or premises of the owner at which it occurs shall constitute a separate and distinct violation.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. Severability. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. Effective Date. That the provisions of this ordinance shall become effective from and after its final passage, approval, and publication as provided by law.

DRAFT

ORDINANCE CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF MARSHALL

)

1. I certify that Ordinance Number _____, of which a true copy is attached, was duly adopted by the City Council of the City of Marshalltown, State of Iowa, signed by the Mayor and published as required by law and is now in effect. I further certify that the consideration(s) and votes taken for the enactment of the Ordinance occurred as follows:

(For any consideration that was waived, insert N/A in the blanks for that consideration and complete paragraph regarding waiver below.)

First consideration - Date: _____

Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

Second consideration - Date: _____

Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

Third Consideration - Date: _____

Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

On the date of _____, 2026, the City Council adopted a motion for the suspension of the rule requiring separate consideration at three meetings and voted the final adoption of the Ordinance. The vote for suspension of the rules was by three-fourths of the full City Council, voting _____ in favor, _____ opposed, and _____ absent, vacant or abstaining and was duly recorded as noted above.

2. I further certify that if any consideration of the Ordinance did not receive an affirmative vote for passage, there was no further consideration of the Ordinance on any date thereafter.
3. Following final approval of the Ordinance by the City Council, the full text of Ordinance (or a summary of the Ordinance complying with Iowa Code Section 380.7(3)) was published in the following newspaper(s): _____ on the following date(s): _____, 2026.
4. I further certify that each meeting for the consideration of the Ordinance was duly and publicly held, with a notice of the meeting and tentative agenda naming the consideration of the Ordinance timely posted and upon reasonable advance notice to the media as required by the Chapter 21, Code of Iowa, and rules of the Council then governing.
5. I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, 2026.

City Clerk, City of Marshalltown, State of Iowa

(SEAL)

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