

Approved to Build a Hyperscale Data Center Under M-1 or M-2?

Mason in Danger of a Developer Getting

The Mason City Council has the tools to protect itself while it crafts an appropriate ordinance – *IF it chooses to use them!* The Council can enact a moratorium and put an M3 Ordinance in place with the proper protections (as the community has requested countless times). *Note: This must be done before a rezoning application is received.*

Applying under M-1 or M-2 would be a very challenging process for a hyperscale data center developer. They would have to show that the proposed 300-acre industrial facility **would not** change the essential character of the surrounding area (which is agricultural and residential). Additionally, the developer would need to show that this type of use is not detrimental to neighboring people, property, or the general welfare. With the known issues of noise, fumes, glare, odors, and vibrations – this would be a difficult hurdle for a developer to clear.

Applying to be zoned under M1 or M2 would require a zoning official to make a determination utilizing the regulations and standards in the “uses by special permit” portion of the ordinance. (See, Mason City Code, Section 94-191.)

“Before approving a special use permit, the planning commission shall find by Clear & Convincing Proof” that the proposed development satisfies specific standards, including:

- ensuring that the facility’s design and operation are harmonious with the existing character of the general vicinity and that its use will not change the essential character of adjacent property or the zoning district in which it is proposed;
- that it is not hazardous or disturbing to uses in the same general vicinity;
- that it will not create additional requirements at public cost for public facilities and services;
- that its use and operation will not be detrimental to any person, property, or the general welfare by noise, fumes, glare, or odors.