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Members of City Council, Mayor, City Clerk, and City Attorney Thomas M. Hitch
City of Mason
Sent via email

RE: The Proposed M-3 “Technology Innovation District” Ordinance – Legal Need for Consistency with Master Plan and a Temporary Moratorium

Dear Members of the City Council, Mayor, City Clerk, and City Attorney Hitch:

I represent the community group “No Data Center – Mason,” a group of 140 active community members and 941 Facebook followers (with those numbers growing everyday) who are deeply concerned about the City of Mason’s consideration of Ordinance No. 266, which would create a new M-3 “Technology Innovation District” intended to accommodate large-scale data centers and related uses. **Our group respectfully urges Mason City Council not to adopt the proposed ordinance on an expedited basis and, instead, to pause and undertake a more deliberate review of its consistency with the City’s Master Plan and long-term land-use goals.**

Michigan law requires that zoning decisions regarding development applications be grounded in adopted planning documents, including the municipality’s master plan. Under the Michigan Zoning Enabling Act (“MZEA”), the Michigan State Legislature required that the zoning ordinances must “be made with reasonable consideration of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.” *See* MCL 125.3203(1). Similarly, local land-use decisions must be made on the basis of zoning requirements, other applicable ordinances, and “other statutorily authorized and properly approved local unit of government planning documents.” *See* MCL 125.3501(4). This statutory framework reflects a core principle of Michigan zoning law: zoning ordinances must be based upon a plan. *See* MCL 125.3203(1).

Michigan courts have long recognized that master plans are not merely aspirational. While they are not rigidly binding, master plans are foundational policy documents that shape and constrain zoning decisions. Courts afford substantially more deference to zoning actions that implement a community’s adopted plan than to actions that appear arbitrary or disconnected from it. *See, e.g., KI Properties Holdings, LLC v Ann Arbor Charter Twp*, No. 348010, 2020 WL 563652 (Mich Ct App Feb 4, 2020), *appeal denied*, 506 Mich 969, 950 NW2d 744 (2020); *Binkowski v Shelby*, 46 Mich App 451, 463, 208 NW2d 243 (1973). Planning guidance from the Michigan Municipal League reinforces this point, emphasizing that

zoning bodies and legislative authorities should consistently rely on the master plan when making zoning decisions, particularly where the decisions are controversial or carry long-term consequences. *See* Planning Commission Handbook, pages 9-10 and 18-19, available here: <https://mml.org/wp-content/uploads/2025/08/MML-Planning-Commissioners-handbook.pdf>, last visited January 3, 2026).

The Proposed M-3 District Is Not Consistent with the City of Mason’s Master Plan

The City has suggested that the proposed M-3 district is consistent with the Master Plan because it would “diversify the tax base and expand Mason’s industrial and technology footprint.” (*See* FAQs regarding proposed M-3 district). Economic development is an important municipal goal, but the City’s Master Plan makes clear that such goal is not pursued in isolation. Rather, it must be balanced against the Plan’s guiding principles, land-use framework, and infrastructure constraints. When evaluated against those standards, the proposed M-3 district – particularly as it is designed to accommodate large-scale data centers – does not align with the Master Plan.

The Master Plan identifies three overarching shared principles to guide City-wide decision-making: (1) promoting Mason as a “welcoming” place, (2) preserving its “small-town charm,” and (3) providing “safe” infrastructure through forward-thinking planning. Indeed, these three concepts are presented in Chapter 6 as the common set of standards to guide implementation of a proposed project, action, or plan. (*See* Master Plan, pp. 98-99). Again, these principles are not abstract ideals; they are intended to steer and underpin concrete land-use and zoning decisions, as follows:

First, the Master Plan’s emphasis on “Welcoming” includes a strong commitment to place-keeping, walkability, and mixed-use development, particularly along strategic corridors that function as gateways to downtown. Introducing large-scale data center uses – characterized by limited public interaction, security-driven site design, and inward-focused building forms – along such corridors would undermine these goals rather than advance them.

Similarly, second, the Plan’s “Charming” principle extends beyond historic preservation and architectural style. It encompasses walkable site design, compatibility with neighboring uses, landscaping, and the overall human-scale experience of development. The phrases “small town” and “charm” are mentioned more than fifty times throughout the Master Plan, including Chapter 3 which is entirely dedicated to the “preserv[ing] Mason’s neighborhoods and small-town charm.” The Master Plan explains that, for Mason, “charming” means “the physical form of buildings and creating spaces that look uniform in *scope and scale* using tools such as architectural style and façade design.” (*See* Master Plan, p. 34) (emphasis added). While the proposed M-3 ordinance includes extensive buffering, berming, fencing, and landscaping standards, those mitigation measures do not resolve the fundamental incompatibility between data center facilities and the Master Plan’s vision for walkable, mixed-use environments. Merely screening an extremely large-scope industrial use does not make it consistent with the character and charm the Master Plan seeks to cultivate for Mason.

And third, the Master Plan’s “Safe” principle is also directly implicated. The Plan devotes significant attention to asset management for public services, including the City’s water system, which relies on a finite number of wells, storage facilities, and distribution infrastructure. Data centers are widely recognized as water-intensive uses, yet the proposed M-3 ordinance contains no substantive standards addressing water demand, system capacity, or long-term infrastructure impacts beyond requiring connection to the municipal system and execution of a utilities agreement. The Plan’s implementation checklist specifically calls for cost-benefit analysis when considering tax-base diversification strategies, particularly where infrastructure demands are involved. That analysis does not appear in the record supporting the proposed ordinance.

Above all, the Master Plan’s “Future Land Use” vision and maps further underscore these concerns. The Master Plan emphasizes keeping growth in strategic locations where infrastructure exists or can reasonably be extended, while limiting intensive development at the City’s periphery unless it matches surrounding character and preserves Mason’s rural context. The Master Plan describes the future desires of the community to be preservation of neighborhoods and new neighborhoods that are “harmonious with the existing city fabric,” and emphasizes that community members “enjoy the rural context of the city” and that the “green ring of farms surrounding the community is an asset which should be maintained by the Future Land Use plan via lighter uses at the city fringes.” (*See* Master Plan, p. 76).

Existing M-1 and M-2 areas are designated for “Employment” land uses and are encouraged to evolve toward development patterns that include walkable connections and compatibility with neighboring uses. (*See* Master Plan, p. 80). The size, scope, and operational characteristics of data center facilities are difficult to reconcile with these objectives. The Master Plan also notes that Mason has significant vacant industrial land, including M-1-zoned property directly across from the City’s high school, which the Master Plan identifies as appropriate for mixed residential, multifamily, mixed-use, and commercial development. (*See* Master Plan, pp. 83-87). A data-center-oriented zoning district would conflict with those recommendations.

In short, the proposed M-3 ordinance represents a material departure from Mason’s Master Plan rather than an implementation of it. Under Michigan law, zoning ordinances must be based upon adopted planning documents, not contradict them. If the City wishes to pursue a fundamentally different land-use strategy, the appropriate course is to amend the Master Plan through a transparent public process – not to bypass it.

A Temporary Moratorium Is the Appropriate and Lawful Next Step

Given these unresolved inconsistencies, the prudent and lawful course is for the City to adopt a temporary moratorium on accepting, reviewing, or approving development applications in either the M-2 or proposed M-3 ordinance, while the City undertakes a fuller planning and public engagement process.

Temporary land-use moratoria are a recognized planning tool when used carefully and in good faith by a municipality. Courts have upheld moratoria where they are of limited duration, supported by legitimate planning objectives, and designed to prevent premature or irreversible development while policy questions are studied, **even when they are enacted by resolution**. Where additional time is reasonably necessary to complete the identified planning work, courts have also recognized that **a municipality may extend a moratorium for a defined short-term period**, provided the extension is supported by articulated findings and remains tied to the same legitimate planning objectives.

See Tahoe-Sierra Preservation Council, Inc v Tahoe Regional Planning Agency, 535 US 302 (2002) (holding that two moratoria, totaling 32 months, on development in the Lake Tahoe Basin while formulating a comprehensive land-use plan were not *per se* takings of property requiring compensation under the Takings Clause of the United States Constitution); *Bronco's Entertainment, Ltd v Charter Township of Van Buren*, 421 F 3d 440 (6th Cir 2005) (the Township's 182-day moratorium on submission of rezoning petitions, special approval uses, and the like that allowed the Township to revise its master plan and zoning regulations did not violate Constitutional rights); *Dan & Jan Clark, LLC v Charter Township of Orion*, No. 284238, 2009 WL 1830749 (Mich Ct App, June 25, 2009) (moratorium by resolution upheld as properly enacted where the 120-day moratorium lasted less than a year, even with an additional extension of 180 days, making it "short-term," and where it did not create new procedures or even affect all petitions related to rezoning and special use; rather it was simply a deferred consideration of any new petitions until after a review of the master plan); *Metamora Township v American Aggregates of Michigan, Inc*, No. 349069, 2021 WL 1236108 (Mich Ct App, April 1, 2021) (finding that a temporary and short-term moratorium enacted by resolution that did not establish any permanent changes or alter the way applications were decided was proper as it did not operate as a de facto ordinance).

A short, well-crafted moratorium adopted via resolution would allow the City Council, Planning Commission, and community members to meaningfully engage on the contested issues raised by the M-3 proposal, including Master Plan consistency, infrastructure capacity, and long-term land-use, economic, and other impacts to the City of Mason. Importantly, a moratorium is not a rejection of economic development. Rather, it is a responsible planning response that protects the integrity of the City's decision-making process and reduces legal risk.

By clearly articulating the moratorium's purpose, scope, and duration – such as four to six months (with short-term extensions, as required), along with a defined work plan, and an opportunity for any property owners' administrative grievances based on the Due Process Clause, Takings Clause, or other provision of state or federal constitution or law to be addressed – the City can balance property owners' interests with its obligation to engage in thoughtful, coordinated planning for all residents. Indeed, to do so is the "purpose" of Mason's Zoning Ordinance, which exists to "promote and protect the public health, safety, and general welfare of city inhabitants" and "provide for development within the city consistent with the master plan of the city," among many other articulated purposes (*See Zoning Ordinance, Sec. 94-2*).

For these reasons, we respectfully urge City Council to refrain from adopting the Ordinance No. 266 at this time. The proposed M-3 Technology Innovation District raises substantial and unresolved conflicts with the City's Master Plan and long-term land-use vision. A temporary moratorium on related development applications would provide the necessary space for careful analysis, meaningful public participation, and – if warranted – formal amendment of the Master Plan before any permanent zoning changes are enacted.

Thank you for your consideration and for your service to the Mason community. And please feel free to reach out anytime via phone or email at (231) 715-1544 or lauren@teichnerlaw.com. I would be happy to provide a draft moratorium resolution if that would be helpful.

Respectfully,

A handwritten signature in dark ink, appearing to read "Lauren Teichner", with a stylized, flowing script.

Lauren Teichner (P86020)

TEICHNER LAW PLC

Counsel for "No Data Center – Mason"