MARANA ORDINANCE NO. 2026.XX

RELATING TO LAND DEVELOPMENT; AMENDING MARANA TOWN CODE TITLE 17 "LAND DEVELOPMENT", SECTION 17-6-13 (DATA CENTERS); REVISING SECTION 17-6-13(G) (NOISE ATTENUATION) TO CLARIFY AND ADD ADDITIONAL REQUIREMENTS RELATED TO NOISE ATTENUATION FOR DATA CENTERS; ADDING NEW PARAGRAPH K ENTITLED "DECOMMISSIONING" TO SECTION 17-6-13 ESTABLISHING REQUIREMENTS FOR THE DECOMMISSIONING OF DATA CENTERS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS A.R.S. §9-462.01 provides that the governing body of a municipality may adopt zoning regulations to conserve and promote public health, safety and general welfare; and

WHEREAS the Mayor and Council of the Town of Marana have adopted Marana Town Code Title 17 (Land Development) to promote the health, safety, order, and general welfare of the present and future inhabitants of the Town; and

WHEREAS the Mayor and Council of the Town of Marana find that revising Marana Town Code Title 17 as set forth in this ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

SECTION 1. The revisions to Title 17 "Land Development", Section 17-6-13 (Data centers) of the Marana Town Code revising Section 17-6-13(G) (Noise Attenuation) to clarify and add additional requirements related to noise attenuation for data centers and adding new paragraph K entitled "Decommissioning" to Section 17-6-13 establishing requirements for the decommissioning of data centers, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, which were made a public record by and attached as Exhibit A to Resolution No. 2026-XXX of the Town of Marana, Arizona, are hereby referred to, adopted, and made a part of this ordinance as if fully set out here.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of October, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2026-XXX

RELATING TO LAND DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2026.XXX, AMENDING MARANA TOWN CODE TITLE 17 "LAND DEVELOPMENT", SECTION 17-6-13 (DATA CENTERS); REVISING SECTION 17-6-13(G) (NOISE ATTENUATION) TO CLARIFY AND ADD ADDITIONAL REQUIREMENTS RELATED TO NOISE ATTENUATION FOR DATA CENTERS; AND ADDING NEW PARAGRAPH K ENTITLED "DECOMMISSIONING" TO SECTION 17-6-13 ESTABLISHING REQUIREMENTS FOR THE DECOMMISSIONING OF DATA CENTERS

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the revisions to Title 17 "Land Development" of the Marana Town Code adopted by Marana Ordinance No. 2026.xxx, a copy of which is attached to and incorporated in this resolution as Exhibit A and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 20th day of October, 2026.

Mayor Jon Post

ATTEST:

Jill McCleary, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

SECTION 1. Section 17-6-13 (Data centers) of the Marana Town Code is hereby revised as follows (with additions shown with double underlining and deletions shown with ~~strikethroughs~~):

17-6-13 Data centers

[No revisions to paragraphs A through F]

G. Noise Attenuation. The developer of a data center to be operated as either a principal or an accessory use must conduct a noise study performed by a qualified third-party acoustical ~~engineer~~ consultant to document baseline sound levels in the area of the proposed data center and to produce a noise contour exhibit depicting the anticipated noise levels to be generated by the data center. The baseline noise study shall measure ambient noise levels using a type 1 or type 2 sound level meter over a 24-hour period at a location representative of the nearest receptors to the site. The noise contour exhibit must be produced in accordance with the methodology set forth in International Organization for Standardization standard ISO 9613-2 (Acoustics - Attenuation of sound during propagation outdoors - Part 2: General method of calculation).

1. For purposes of this section 17-6-13:

a. "~~dBA~~A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighted filter network is designed to simulate the response of the human ear by de-emphasizing the very low and very high frequency components of the sound in a manner similar to the response of the human ear. The A-weighted sound level is expressed by the symbol "dBA."

b. "Backup/emergency use" means the operation of a data center's on-site generator or generators solely as a secondary source of electrical power, and only during, and for the duration of, a genuine and unforeseen interruption of the data center's primary electrical supply caused by conditions beyond the reasonable control of the owner or operator, including but not limited to a power outage, grid failure, load shedding directed by the serving electric utility or balancing authority, natural disaster, or other emergency condition, or during a state of emergency declared by a competent governmental authority. The following do not constitute backup/emergency use, and a generator so operated is not being used for backup/emergency use, regardless of the frequency or duration of such operation:

i. Operation as a substitute for, or supplement to, a primary electrical supply that is insufficient, inadequate, unreliable, or unavailable to meet the data center's power requirements, including any operation necessitated by the owner's or operator's failure to secure adequate utility or other stable primary power;

ii. Operation in anticipation of, or in response to, a chronic, foreseeable, or recurring shortfall or constraint in the primary electrical supply, including grid or utility capacity limitations known or reasonably knowable to the owner or operator;

iii. Peak shaving, load shedding, or load management undertaken by the data center operator but not directed by the serving electric utility or balancing authority, or other non-emergency demand response;

iv. Operation to reduce, avoid, or manage energy costs or utility charges, or to serve any economic or commercial purpose;

v. Operation pursuant to an interruptible-power or curtailable-service agreement, or to generate, provide, or sell power to an electric grid or to any other person as part of a financial arrangement; and

vi. Operation during scheduled utility maintenance or any other planned or foreseeable interruption of the primary supply.

c. "C-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the C-weighted filter network. The C-weighted filter provides a nearly flat frequency response for most of the range of human hearing. The C-weighted sound level is expressed by the symbol "dBC."

~~b~~d. "Daytime" means 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on Saturdays, Sundays, and legal holidays observed by the town.

e. "Daytime ambient noise level" means the quietest hourly average (Leq,h) measured during daytime hours pursuant to the methodology described in paragraph G above.

f. "Decibel" means the unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-pascals. Decibel is expressed by the symbol "dB."

g. "Leq" (also known as "equivalent sound level") means the sound level corresponding to a steady noise level over a given sample period with the same amount of acoustic energy as the actual time varying noise level; the energy average noise level during the sample period. The sample period for purposes of this section is 15 minutes, expressed as "Leq(15 min)."

~~c~~h. "Nighttime" means 7:00 p.m. to 7:00 a.m. on weekdays, and 8:00 p.m. to 9:00 a.m. on Saturdays, Sundays, and legal holidays observed by the town.

i. "Nighttime ambient noise level" means the quietest hourly average (Leq,h) measured during nighttime hours pursuant to the methodology described in paragraph G above.

2. Any noise which emanates from any operation, activity, or source on a data center site, including, but not limited to, heating and cooling system(s), shall not exceed the maximum permissible sound levels set forth in Table 2 (Maximum sound levels for data center operation) measured at the property line of the property affected by the noise.

Table 2. Maximum sound levels for data center operation		
Planned or zoned use of affected property	**Maximum dBA Leq(15 min) Daytime/Nighttime**	**Maximum dBC Daytime or Intermittent/ Nighttime or 24/7 Operation**
Residential and mixed-use	55/~~55~~50	70/65
Agricultural	60/55	70/65
Commercial	65/60	80/75
Industrial	72/65	80/75

a. If the daytime or nighttime ambient noise level exceeds the maximum permissible sound level for a property's planned or zoned use as set forth in Table 2, in lieu of the corresponding Table 2 maximum, the applicable ambient noise level shall be the maximum sound level permitted for the time period in question.

b. Where the noise emanating from a data center site contains an audible tonal component, a penalty of 5 dB shall be added to the measured sound level (dBA Leq(15 min)) before that level is compared to the applicable maximum permissible sound level in Table 2 above. The resulting adjusted level, and not the unadjusted measured level, shall be used to determine compliance with this section.

c. The tonal noise penalty applies to both the daytime and nighttime maximum permissible sound levels and to each planned or zoned use category set forth in Table 2. The penalty adjusts only the measured sound level; it does not alter the maximum permissible sound levels stated in Table 2.

d. For purposes of subparagraph 2(a) above, a tonal component shall be identified in accordance with International Organization for Standardization standard ISO 1996-2 (Acoustics — Description, measurement and assessment of environmental noise — Part 2: Determination of sound pressure levels), including its objective method for assessing the audibility of tones in environmental noise. A tonal component is present where the analysis performed under ISO 1996-2 shows that the audibility of the tone meets or exceeds the threshold at which the standard treats the tone as audible. The 5 dB penalty described in subparagraph 2(a) above shall be applied as a fixed adjustment whenever a tonal component is so identified, and shall not be increased or decreased based on the degree of tonal audibility.

3. Notwithstanding the provisions of Table 2 above, ~~any person performing site construction work in compliance with section 11-5-4 (Construction noise; extended work permits)~~ the following activities shall not be subject to the maximum sound levels set forth in Table 2 above:~~.~~

   a. Site construction work performed in compliance with section 11-5-4 (Construction noise; extended work permits).

b. Operation of generators for backup/emergency use.

4. The data center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center, as determined by a qualified third-party acoustical ~~engineer~~ consultant from exceeding the maximum sound levels set forth in Table 2. Design specifications for the required sound mitigation must be provided to the town before building permit approval.

5. Before issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the data center operator must conduct a post-construction noise study performed by a qualified third-party acoustical ~~engineer~~ consultant to document sound levels emanating from the data center measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator, during peak operation of the data center mechanical equipment. The post-construction noise study must demonstrate that sound levels do not exceed the maximum sound levels set forth in Table 2. If sound levels exceed the maximum sound levels set forth in Table 2, the town will issue a temporary certificate of occupancy until the data center operator demonstrates that the required sound mitigation is achieved. If the data center operator is unable to demonstrate compliance with the sound levels set forth in Table 2 before expiration of the temporary certificate of occupancy, the town will not issue a permanent certificate of occupancy.

6. The data center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator, annually during peak operation of the data center mechanical equipment for five years after completion of the initial post-construction noise study and when requested by the town thereafter. The data center operator must provide the results of the noise study to the town within 30 days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the town. If sound levels exceed the maximum sound levels set forth in Table 2, the data center operator shall take appropriate steps to achieve the required sound mitigation.

[No revisions to paragraphs H through J]

K. Decommissioning. If a data center site ceases operations for a continuous period of 12 months, or if the owner or operator of a data center site provides written notice that the data center site will permanently cease operations, the data center owner or operator shall commence decommissioning of the facility within 180 days unless an extension is approved by the planning manager upon a showing of good cause. For purposes of this paragraph, a data center site "ceases operations" when the entire site is no longer in use; this paragraph shall not apply to a building or buildings that are no longer in use on an otherwise continuously operating data center site.

1. To ensure compliance with this paragraph, the developer of a data center site must provide financial assurances to the town at the time of submission of a development plan for the site.

a. Financial assurances may take the form of surety bonds, irrevocable letters of credit, trust funds, or other mechanisms acceptable to the town.

b. The amount of the financial assurances shall be calculated by the data center developer based on the projected expense to complete decommissioning pursuant to this paragraph, plus a 15% contingency, and must be approved by the town engineer.

c. The financial assurances shall remain in effect for the duration of the data center operation and for any necessary additional period until decommissioning is completed.

d. If a data center operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the town until new financial assurances are secured from the new owner and have been approved by the town.

e. The town shall review the amount of the financial assurances on a regular basis and may require adjustments to the amount to account for expansion of the data center operation, inflation, or other factors related to the cost of decommissioning which have changed since the previous review.

2. Decommissioning shall include, at a minimum:

a. Removal of all information technology equipment, servers, networking equipment, cooling equipment, backup generators, fuel tanks, batteries, transformers, substations, and all other operational equipment not intended for reuse by a subsequent permitted occupant, excluding any equipment, facilities, and infrastructure owned by a public utility provider. The data center owner or operator must coordinate with the electric utility provider to de-energize, disconnect, and forfeit allocated grid capacity.

b. Removal and lawful disposal of all hazardous materials, hazardous waste, petroleum products, coolants, refrigerants, chemicals, and other regulated substances in accordance with all applicable federal, state, and local laws.

c. Closure, removal, or abandonment of underground storage tanks, utility facilities, wells, or other improvements in accordance with applicable regulatory requirements.

d. Investigation and remediation of any environmental contamination resulting from operation of the facility to the standards required by the applicable regulatory agencies.

e. Removal of all signage identifying the facility or operator.

f. Securing the site during decommissioning to prevent unauthorized access.

g. Restoration of all disturbed areas to a safe and stable condition, including grading, drainage, erosion control, landscaping, and repair of any damage to public infrastructure caused by the decommissioning activities.

3. The data center owner or operator shall grant town staff access to the data center site for monitoring and inspection during the decommissioning period to verify compliance with the decommissioning requirements. Access shall be granted during regular town and

operator business hours or at such other times as may be mutually agreed upon by the town and the data center owner or operator. The provisions of this subparagraph shall be deemed to be a condition of decommissioning.

4. Unless otherwise approved by the town, all decommissioning activities must be completed within 12 months after commencement. The town manager or designee may administratively grant extensions for completion of decommissioning activities in increments of 90 days at a time on a showing of good cause by the data center owner or operator.