



CITY OF AUBURN HILLS
REGULAR CITY COUNCIL MEETING
MINUTES

AUGUST 24, 2026

CALL TO ORDER & Mayor Hawkins at 7:00 PM.

PLEDGE OF ALLEGIANCE:

LOCATION: Council Chamber, 1827 N. Squirrel Road, Auburn Hills MI

ROLL CALL: Present: Council Members Ferguson, Fletcher, Hawkins, Knight, Marzolf, and Verbeke
Absent: Council Member Moniz

Also Present: City Manager Tanghe, Assistant City Manager Skopek, City Attorney Kelly, City Clerk Pierce, Chief of Police Gagon, Fire Chief Robinson, Director of Community Development Cohen, Department of Public Works Director Baldante, Manager of Fleet & Roads Hefner, Economic Development Mgr Carroll, Director of Senior Services Monroy Krieg, Assistant to the City Manager Hagge, Engineer Driesenga

14 Guests

4. APPROVAL OF MINUTES

4a. City Council Workshop Minutes, August 10, 2026

Moved by Knight, Seconded by Fletcher.

RESOLVED: To approve the City Council Workshop Minutes of August 10, 2026.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 26.08.121

Motion Carried (6 - 0)

4b. City Council Regular Meeting Minutes, August 10, 2026

Moved by Knight, Seconded by Marzolf.

RESOLVED: To approve the City Council Regular Meeting Minutes of August 10, 2026.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 26.08.122

Motion Carried (6 - 0)

5. APPOINTMENTS AND PRESENTATIONS

6. PUBLIC COMMENT

Mr. Daniel Carpenter of Auburn Hills spoke on the topic of flock cameras.

Ms. Julianne Bossert of Auburn Hills spoke on the topic of data centers.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Tax Increment Finance Authority, July 21, 2026

7a2. Planning Commission Minutes, August 12, 2026

RESOLVED: To receive and file the Board and Commission Minutes.

7b. Motion – To approve the 2026 Used Car Lot License for Newcomb's Auto Sales.

RESOLVED: To approve the Used Car Lot License for the 2026 licensing period for Newcomb's Auto Sales, 3123 Lapeer.

7c. Motion – To amend the 2026 General Fund Senior Services Department.

RESOLVED: To amend the General Fund Senior Services department, increasing appropriations by \$14,510 and increasing revenue by \$14,510.

7d. Motion – To approve budget amendments for the Giddings Road and Taylor Road Intersection Improvements.

RESOLVED: To amend the 2026 Major Road fund increasing both revenue and appropriations by \$1,324,890 for all costs and expected funding for the Giddings Road/Taylor Road intersection improvements as described in the staff recommendation.

7e. Motion – To approve the purchase of a Weiler P395 Asphalt Paver.

RESOLVED: To approve the purchase an Weiler P395 for \$335,869.84 from Michigan CAT of Shelby Township, MI under the MiDEAL contract. Staff also recommend amending the 2026 budget by \$175,869.84 to 661-594-977.000.

7f. Motion – To approve the purchase of a new Singer Pressure Reducing Valve for the Palace PRV.

RESOLVED: To approve the purchase of a new Singer Pressure Reducing Valve for the Palace PRV in the amount of \$23,384.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 26.08.123

Motion Carried (6 - 0)

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9a. Public Hearing / Motion – Adopt an Ordinance to amend Chapter 54. Solid Waste; to repeal Article II. Garbage and Refuse, of the Auburn Hills City Code and replace it with a new Article II. Solid Waste, Recyclable Materials, and Designated Waste Hauler Collection Regulation on Second Reading.

Mr. Cohen presented the amendments to Chapter 54 to support the transition of an automated residential waste collection system.

Dr. Fletcher sought clarification regarding the number of carts a resident could have at their residence. Mr. Baldante shared that he would see if there were any limits

Mayor Hawkins opened the Public Hearing at 7:13 PM.

Mr. Phil Cunningham of Auburn Hills asked if he could use his current automated waste collection can or if he would need a new one. Mr. Baldante stated that only Waste Management carts were allowed to be used and that a free 95 gallon can would be provided along with a cart for recycled items.

The Mayor closed the Public Hearing at 7:15 PM.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To adopt an Ordinance amending Chapter 54. Solid Waste; repealing Article II, Garbage and Refuse, of the Auburn Hills City Code; and replacing it with a new Article II. Solid Waste, Recyclable Materials, and Designated Waste Hauler Collection Regulation, on Second Reading. It shall be known as Ordinance No. 26-952. (Attachment A)

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 26.08.124

Motion Carried (6 - 0)

9b. Motion – To amend the text of Article XII. T&R, Technology and Research Districts; Article XIII. I-1, Light Industrial Districts; Article XIV. I-2, General Industrial Districts; and Article XVIII, General Provisions of the Zoning Ordinance, to address new provisions for clean industrial uses and establish comprehensive standards for data centers.

Mr. Cohen presented the amendments to Article XII regarding the T&R Districts. He provided an overview of the process with US Signal and how the industry has changed. He shared that the city has had discussions with DTE and have researched how other municipalities across the county plan to regulate data center development. Based on this information, there is a necessity to address new provisions for clean industrial uses and to establish comprehensive standards for data centers. Mr. Cohen shared that the Planning Commission held a Public Hearing on August 12, 2026 and recommended approval of the amendments.

Mr. Cohen further explained that the ordinance does not take away the right of a business to have an accessory data center. However, a business could add an accessory data center based on their project and their zoning allowances. It was added that the Michigan Zoning Enabling Act prohibits municipalities from banning any legal use of property under the zoning act. The city has the ability to regulate land use based on the health, safety and welfare of residents and appropriate use of utilities; data centers are not an exception.

Mr. Marzolf commented that he appreciates the work that has gone into the amendment. He shared his concern with the PUD option and that it allows the ability to have more locations other than the six sites that have been identified to have a data center. Mr. Cohen responded that the PUD allows for the accommodation of a smaller data center that doesn't impact surrounding properties. The amendment addresses the larger scale data centers that may be requested in the future of which the Special Land Use permitting process is still required.

Mr. Daniel Carpenter of Auburn Hills spoke regarding the data centers putting too much burden on the grid.

Ms. Julianne Bossert of Auburn Hills shared her appreciation for the work that went into this topic however, she also shared her concern for the promises that come from DTE.

Mr. Paul Borucki of Auburn Hills sought clarification regarding the protection of the residents if the data center is obsolete in three years, and the topic of abandonment costs. Mr. Cohen responded by sharing that any decommissioning concerns will be addressed in the development agreement.

Mr. Tom Rapp of Auburn Hills questioned the action taking place in Rochester Hills regarding data centers. He also suggested that the city takes more time to decide the full impact on the community concerning this issue.

Mr. Knight commented on the importance of having control over the issue. This allows there to be a starting point for any future data centers.

Moved by Knight, Seconded by Marzolf.

RESOLVED: To accept the Planning Commission's recommendation and approve the enclosed text amendment to Article XII. T&R, Technology and Research Districts; Article XIII. I-1, Light Industrial Districts; Article XIV. I-2, General Industrial Districts; and Article XVIII, General Provisions of the Zoning Ordinance, to address new provisions for clean industrial uses and to establish comprehensive standards for data centers. In addition, amend Section 1200. Principal Use Permitted in Article XII. T&R, Technology and Research Districts to add "municipal buildings and uses". The amendment shall be referenced as Ordinance No. 26-951. (Attachment B)

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke

No: None

Resolution No. 26.08.125

Motion Carried (6 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight shared a resident's concern regarding cable company workers notifying residents when there is work taking place on their streets. The residents would like to be notified. Mr. Knight also sought information on the functionality of the Den. Mr. Tanghe shared that the projected timeframe of completion should be close to November. Mr. Knight also commented that he also would like to see lights near the Knight Amphitheater so that the space can be utilized longer. Mr. Tanghe stated that lights will be incorporated in the 2027 budget. Mr. Knight finished with sharing that he is pleased with the work taking place on the pathway.

Ms. Verbeke commented on Mr. Knight's concerns about cable company workers. She stated she did receive communication that people would be working nearby.

Dr. Fletcher also received information regarding workers being nearby and it could take up to 4 weeks to complete the work.

Mr. Ferguson commented on the older pathways and said that some of the areas will be repaired soon.

Mr. Marzolf wished all the students his best with the new school year. He thanked Chief Gagnon for the National Night Out event. He asked for an update on the Riverwalk. Mr. Baldante said the work is coming along nicely, and the bridge will be built in a few weeks, with completion near the end of the year.

Mayor Hawkins thanked the residents for speaking on the data centers. He understands it is a controversial issue. He thanked Mr. Cohen for all the preparation on data centers and his diligence, preparation and care for the city.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

13. CLOSED SESSION

13a. Motion – To meet in closed session to discuss property acquisition pursuant to MCL 268(1)(d) of the Open Meetings Act.

Moved by Ferguson, Seconded by Verbeke.

RESOLVED: To meet in closed session to discuss property acquisition pursuant to MCL 15.268(1)(d) of the Open Meetings Act.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke
No: None

Resolution No. 26.08.126

Motion Carried (6 - 0)

The meeting recessed to Closed Session at 8:03 PM.

The meeting reconvened in Open Session at 8:38 PM.

Council Member Verbeke left the Closed Session at 8:30 PM.

Moved by Fletcher, Seconded by Marzolf.

RESOLVED: To adopt the resolution titled “Resolution of Necessity and Authorization to Commence Eminent Domain Proceedings”, and authorize the Mayor and City Clerk to sign the Resolution on behalf of the city. (Attachment C)

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf
No: None

Resolution No. 26.08.127

Motion Carried (5 - 0)

14. ADJOURNMENT

Moved by Fletcher, Seconded by Marzolf.

RESOLVED: To adjourn the meeting.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf
No: None

Resolution No. 26.08.128

Motion Carried (5 - 0)

The meeting adjourned at 8:39 PM.

Eugene Hawkins III, Mayor

Laura M. Pierce, City Clerk

ATTACHMENT A

CITY OF AUBURN HILLS ORDINANCE NO. 26-952

AN ORDINANCE TO AMEND CHAPTER 54. SOLID WASTE TO REPEAL ARTICLE II. GARBAGE AND REFUSE OF THE AUBURN HILLS CITY CODE AND REPLACE IT WITH A NEW ARTICLE II. SOLID WASTE, RECYCLABLE MATERIALS, AND DESIGNATED WASTE HAULER COLLECTION REGULATION

THE CITY OF AUBURN HILLS ORDAINS:

SECTION 1. Title.

This Ordinance shall be known and cited as the City of Auburn Hills "**Solid Waste, Recyclable Materials, and Designated Waste Hauler Collection Regulation Ordinance**", and it shall be sufficient in any action for enforcement of the provisions hereof to define the same by such short title or by reference to the number hereof.

SECTION 2. Purpose.

The purpose of this Ordinance shall be:

- (a) To further secure and protect the general welfare and safety of the citizens and others within the City of Auburn Hills;
- (b) To promote recycling and composting as desirable alternatives to the disposal of solid wastes in landfills or by incineration;
- (c) To regulate the business of solid waste collection within the City of Auburn Hills;
- (d) To enact rules and regulations for the conduct of such business;
- (e) To establish a Designated Waste Hauler for specified generation sites;
- (f) To establish and allow for a Designated Waste Hauler Contract that provides for the terms and conditions for the collection of solid waste and recyclables by the Designated Waste Hauler.
- (g) To provide for licenses and fees; and
- (h) To establish penalties for the violation of the provisions.

This Ordinance shall not apply to or regulate disposal areas as set forth in Article III.

SECTION 3. Definitions.

Collection Vehicle - any vehicle specifically designed for and used for the collection of solid waste or recyclable materials.

Commercial - any business establishment or office, regardless of zoning district, which provides for the sale of goods and/or services to customers.

Compostables - means yard clippings and residential compostables. Residential compostables means organic fruit and vegetable material which is produced incidental to the preparation of food for human consumption in residential structures.

Designated Waste Hauler - means any person or entity awarded a contract as the City's Designated Waste Hauler to engage in the business of collecting solid waste, recyclable materials, compostables and yard clippings from specific generation sites within the City for hauling, transporting or disposing of such materials.

Designated Waste Hauler Contract - an Agreement between the City and a Waste Hauler that has been approved by the City Council, signed by both parties and covering the applicable dates.

Disposal Areas - means a refuse transfer facility, incinerator, sanitary landfill, refuse processing plant, material recovery facility or any other refuse handling or disposal facility utilized in the disposal of refuse.

Garbage - rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fowl, fruit, or vegetable.

Industrial - any business establishment, regardless of zoning district, which provides for the production or manufacture of goods or raw material or component parts.

Litter - means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

Multiple-Family - any residential development which provides for more than one family on a single parcel of land.

Multi-Family Generation Site - as set forth in the Designated Waste Hauler Contract, certain multi-family generation sites, including certain duplex, triplex, fourplex, and townhouse or condominium residential units will be covered by Designated Waste Hauler curbside collection system. Such multi-family generation sites will be defined or set forth in the Designated Waste Hauler Contract.

Recyclables - selected items that are authorized to be picked up to be recycled. Recyclable materials means source-separated materials, site-separated materials, high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, yard clippings and other material deemed to be recyclable materials by duly adopted resolution of the City Council. These shall include, but need not be limited to, clear glass containers, metal food cans and lids, aluminum, newspaper, flat and corrugated cardboard (up to 3' x 3', bundled), plastic containers with recycling codes.

Rubbish - means nonputrescible solid waste, excluding ashes, consisting of both combustible and non-combustible waste including paper, cardboard, metal containers, yard clippings, wood, glass bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

Single - Family Generation Site - any single-family dwelling unit that is not attached to any other dwelling unit by any means.

Solid Waste - garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste; but does not include human

body waste, liquid or other waste regulated by Michigan statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or non-ferrous products.

Yard Clippings - means leaves, grass clippings, vegetables or other garden debris, shrubbery, brush or tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage, sludge or garbage.

SECTION 4. License Required and Applicable Fees of all Non-Designated Waste Haulers.

Section 4 does not apply to the Designated Waste Hauler. The license, application, renewal and transfer of the Designated Waste Hauler will be addressed and enforced through the Designated Waste Hauler contract with the City. Section 4 applies to solid waste and recyclable collection businesses within the City, other than the City's Designated Waste Hauler; primarily serving multiple family units, industrial and commercial units.

- (a) A person, firm, or corporation shall not engage in or carry on the business of solid waste collection within the City of Auburn Hills without first having obtained the necessary licenses from the City Council as hereinafter provided.
- (b) A license fee in the amount of One Hundred Dollars (\$100) for each collection vehicle to be used by the licensee in connection with said business within the City of Auburn Hills shall be paid to the City Treasurer at the time application is made for an original license. The fee for renewal of a license previously issued shall be Fifty Dollars (\$50) if paid before March 15. The fee to renew a license after March 15 but before expiration of the present license shall be Seventy-Five Dollars (\$75). After March 31, license fees for such vehicle shall be the same as if the vehicle was previously unlicensed.
- (c) Fifty percent (50%) of such fee shall be refunded should the original license or the renewal license not be granted, unless the reason for not granting a license is due to the vehicle failing inspection.
- (d) Such fee shall not be refunded should the original license or renewal license be revoked.

SECTION 5. Application Process.

Section 5 does not apply to the Designated Waste Hauler. The license, application, renewal and transfer of the Designated Waste Hauler will be addressed and enforced through the Designated Waste Hauler contract with the City. Section 5 applies to solid waste and recyclable collection businesses within the City, other than the City's Designated Waste Hauler; primarily serving multiple family units, industrial and commercial units.

- (a) Applications for licenses to engage in the business of solid waste collection, other than the designated waste hauler, within the City of Auburn Hills shall be made to the City Clerk, and shall contain
 - (1) The full name, address, and telephone number of the applicant;
 - (2) An indication of whether the applicant is a person, partnership, or corporation;
 - (3) A complete description of every collection vehicle and other equipment to be used in the conduct of the solid waste collection business. The description shall include at a minimum:
 - a. The vehicle identification number provided by the vehicle manufacturer.
 - b. The current Michigan license plate number. (This information shall be kept current by the applicant.)
 - c. Proof of insurance as required by Michigan Law.

- d. A certificate of liability insurance in the minimum amount as shall be established from time to time by the City Council.
- (4) Such other information as may be required by the City Clerk to reasonably apprise the City Council of the character of the applicant and of the nature of the business to be carried on.
- (b) Applications for initial licenses shall be referred to Auburn Hills Police Department for investigation and recommendation. This investigation and recommendation shall be completed within one (1) month of receipt of the information. The vehicle(s) shall meet the requirements of Section 9 (A).
- (c) The application shall then be presented to the City Council at its next regularly scheduled meeting. The applicant shall have the right to appear before the Council and to furnish such additional information as may be required to enable the Council to determine whether or not the license should be granted.
- (d) The City Council may continue consideration of the application from meeting to meeting for the purpose of securing additional information or to afford any citizen of the City an opportunity to be heard in connection with the issuance of a license. Such continuation shall not be used to unreasonably deny the applicant the right to do business in the City of Auburn Hills.
- (e) The City Council shall have the authority to refuse to grant any application for any just cause, or when, in its judgment, the public health, safety, and welfare of the inhabitants of the City so require. In any action to refuse to grant a license, the Council shall set forth the specific reason or reasons.
- (f) Licenses that are issued shall be in such form as shall be prescribed by the Council. Each and every license shall expire on the thirty-first (31st) day of March following the issuance of the original license or the renewal license.
- (g) The City, through the Clerk's Office, shall notify the licensee in writing by April 1 on an annual basis of the disposition of the license to do business and shall furnish stickers for each approved vehicle.
- (h) The permit stickers shall be displayed in the lower right corner (passenger side) of the windshield upon the licensed collection vehicle or other equipment.

SECTION 6. Renewal of License.

Section 6 does not apply to the Designated Waste Hauler. The license, application, renewal and transfer of the Designated Waste Hauler will be addressed and enforced through the Designated Waste Hauler contract with the City. Section 6 applies to solid waste and recyclable collection businesses within the City, other than the City's Designated Waste Hauler; primarily serving multiple family units, industrial and commercial units.

A license shall be renewed by the City Clerk on an annual basis, subject to the following requirements:

- (a) The licensee shall pay to the City Treasurer the required fees on or before the fifteenth (15th) day of March each year it seeks a license renewal.
- (b) The licensee shall file with the City Clerk the required list of vehicles, vehicle identification numbers, license plate numbers, proof of liability insurance, and the vehicle certificates of insurance on or before the fifteenth (15th) day of March each year it seeks a license renewal.
- (c) All vehicles shall meet the requirements of Section 9 (A). During the year, trash-hauling vehicles shall be subject at any time to random inspection by the Auburn Hills Police Department during the course of doing business in the City of Auburn Hills.

- (d) A quarterly report of random inspections and violations may be provided by the OCSD to the City Council.
- (e) A vehicle which fails an inspection because of safety violations shall not be used for trash collection in the City of Auburn Hills until noted deficiencies are corrected and repairs are made and certified as completed by a licensed mechanic.
- (f) If the licensee fails to pay the required fees, and provide the necessary information, by the thirty-first (31st) day of March each year that it seeks a license renewal, any request for a license thereafter shall be considered a new license, requiring a new application and hearing before the City Council.

SECTION 7. Temporary Transfer of License.

Section 7 does not apply to the Designated Waste Hauler. The license, application, renewal and transfer of the Designated Waste Hauler will be addressed and enforced through the Designated Waste Hauler contract with the City. Section 7 applies to solid waste and recyclable collection businesses within the City, other than the City's Designated Waste Hauler; primarily serving multiple family units, industrial and commercial units.

- (a) Licenses issued by the City of Auburn Hills may be temporarily transferred to another collection vehicle in an emergency situation, provided:
 - (1) The originally licensed collection vehicle cannot practically be used for solid waste collection because of a mechanical failure or some other malfunction of the equipment.
 - (2) The licensee shall apply to the City Clerk for a temporary transfer of said license stating the reason(s) for the transfer and the length of time required for the transfer.
 - (3) The vehicle to which the license is to be transferred shall be inspected by the Auburn Hills Police Department and shall meet all the requirements of Section 9 (A).
- (b) The City Clerk may temporarily transfer the license, upon the licensee meeting the stated requirements.
- (c) The temporary transfer shall be in the form of a certified letter indicating the name, address, and telephone number of the licensee; the Michigan license plate number of the vehicle to which the temporary transfer is applicable; and the termination date of the temporary transfer.
- (d) This temporary license transfer letter is to be carried in the vehicle at all times and shall be presented when requested by any authorized person.
- (e) A temporary transfer shall last no longer than three (3) weeks.

SECTION 8. Revocation of License.

Section 8 does not apply to the Designated Waste Hauler. The license, application, renewal and transfer of the Designated Waste Hauler will be addressed and enforced through the Designated Waste Hauler contract with the City. Section 8 applies to solid waste and recyclable collection businesses within the City, other than the City's Designated Waste Hauler; primarily serving multiple family units, industrial and commercial units. The revocation of the Designated Waste Hauler license will be addressed in the Designated Waste Hauler Contract.

- (a) Any license issued hereunder may be revoked by the City Council for any of the following reasons:
 - (1) Any false statement made in the application.
 - (2) Failure to comply with the provisions of this Ordinance.
 - (3) Failure to comply with the terms and conditions of the license.

- (4) Failure to comply with the laws of the State of Michigan.
- (5) Other just and substantiated cause.
- (b) Before any license shall be revoked, written notice shall be given to the licensee by certified mail by the City Clerk. The notice shall state the time, date, and place the licensee is to appear for a hearing before the City Council.
- (c) The licensee may make whatever presentation he wishes and may produce witnesses in his behalf.
- (d) Following the hearing, the City Council shall make a finding of fact and shall render its decision.
- (e) If the decision is to revoke the license, the City Council shall establish the date of revocation and cause a copy of its order to be served upon the licensee either in person or by certified mail.
- (f) Upon service of the Council's order with the revocation of license date indicated, the licensee shall have no further right to engage in the waste collection business in the City of Auburn Hills.
- (g) If the City Council, for whatever reason, decides not to renew or deny the license of any waste collection licensee, then the Council shall so notify the licensee by certified mail. The licensee shall be entitled to a hearing before the Council as outlined in this Section, if he requests it in writing to the City Clerk within ten (10) days of the notice of revocation.

SECTION 9. Collection Licensee Requirements, Including Designated Waste Hauler.

- (a) Vehicles.
 - (1) Any collection vehicle used for the transportation of solid waste or recyclable materials within the City shall be water-tight, and equipped with covers over that portion of the vehicle that is used for the transportation of solid waste or recyclable materials.
 - a. Inspection of Collection Vehicles. A Waste Hauler shall, upon request, permit the inspection of collection vehicles by the City or its designee, as those items relate to safe and proper equipment, including, but not limited to, lights, brakes, tires and exhaust for compliance with existing state law and local ordinance.
 - (2) Any such vehicle shall also be in good working order so as not to constitute a nuisance or a hazard to other traffic on the roads within the City. The items to be in good working order include, but are not limited to, the tires, lights, horn, brakes, exhaust system, and steering system.
 - (3) Any licensed vehicle, in addition to displaying the City sticker or plate, shall also display in a conspicuous place the licensee's name, address, and telephone number, so that the vehicle can be readily identified.
- (b) Fee Schedule.
 - (1) Each licensee shall file with the City a complete schedule of fees and charges to be made to customers for service. The Designated Waste Hauler shall satisfy this requirement by way of an approved contract with the City.
 - (2) A licensee shall not depart from its filed or contracted for fees and charges in the operation of its business within the City.
 - (3) Except as set forth in the designated Waste Hauler Contract, any change in the fees or charges shall be filed with the City Clerk and mailed or hand delivered to each customer at least thirty (30) days before the changed fees are to become effective.
- (c) Pick-Up Schedules and Areas, unless Specified in the Designated Waste Hauler Contract.
 - (1) Each licensee shall file with the City Clerk a complete schedule of the days and the areas that pickup from customers are to be made.

(2) A licensee shall not depart from its filed schedule of days and areas for conducting a solid waste and recyclable materials collection business within the City unless thirty (30) days written notice has been filed with the City Clerk and mailed or hand delivered to each customer.

(3) Exceptions to the above requirements will be allowed only in case of an emergency situation. Such a situation shall be that which constitutes a potential health hazard because conditions not directly within the control of the licensee, such as, but not limited to, weather conditions, acts of God, and vehicle breakdowns which could not have been prevented. Such exceptions shall be decided by the City Clerk.

(d) Pick-Up Prohibitions.

A licensee shall not drive or cause to be driven any of his vehicles over or through any street in the City of Auburn Hills at any time on any Sunday or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, or Christmas Day, unless otherwise authorized by the City or provided for in the Designated Waste Hauler Contract.

(1) Domestic solid waste, recyclable materials and yard clippings shall be collected within the City from the curbside of residential sites of generation only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

(2) Commercial and industrial solid waste, recyclable materials, compostables, and yard clippings shall be collected within the City from commercial and industrial sites of generation only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

(e) Non-Discrimination.

Service shall be offered by the licensee to any and all customers, without discrimination, who request such service and are willing to pay the established fees and charges.

Section 10 – Curbside / Roadside Recycling, Including Designated Waste Hauler.

(a) Every person, firm or corporation engaged in the business of solid waste collection within the City of Auburn Hills shall provide curbside/roadside recycling to each single-family and multiple-family residence from which they also collect solid waste, at no additional cost. Unless as otherwise stated in the Designated Waste Hauler Contract, the following applies:

(1) Recyclables shall be picked up weekly, and on the same day of the week as the solid waste collection of that week.

(2) The solid waste hauler shall provide appropriate containers for recyclables to its own customers.

a. Single-family and applicable multi-family residences, including mobile homes, shall each be provided with suitable containers for small recyclables. Large or bulky recyclables will be placed near the recycling container for pick-up.

b. Large multiple-family residences shall be provided with separate receptacles for solid waste and recyclable materials so long as said residences are compliant with the screening requirements established in Section 1825 of the Auburn Hills Zoning Ordinance and Section 11(B) below.

(3) Recyclables separated by residents shall not be disposed of into trash hauling vehicles by trash hauling personnel. A separate vehicle shall be used to collect recyclables.

(b) The progress of the City's recycling effort shall be monitored by the City of Auburn Hills. The City of Auburn Hills may require periodic reports of the trash haulers to assist in their efforts to promote recycling in the City.

Section 11 – Customer Requirements.

(A) Single-Family Customers.

(1) Each customer of a licensed solid waste, recyclable materials, compostables and yard clippings collector within the City of Auburn Hills shall comply with the following requirements:

- (a) Containers. Containers for garbage, rubbish, and refuse (outside residential and nonresidential properties), including covering of containers, shall comply with the terms of the Designated Waste Hauler Contract
- (b) Accumulation. Garbage shall not be allowed to accumulate more than ten days.
- (2) Standing for collection. Refuse, including garbage, may be placed at the place for collection, the evening before the collection, in containers compliant with the Designated Waste Hauler Contract, but shall not be left standing in such location for more than 24 hours from the scheduled pick up.
- (3) After pick-up, all empty containers shall be removed from the street promptly, but not later than 8:00 p.m., on the day of collection.
- (4) All single-family generation sites are required to have their solid waste, recyclable materials, compostables and yard clippings picked-up by the Designated Waste Hauler under the terms, conditions and costs set forth in the Designated Waste Hauler Contract.

(B) Multiple-Family, Commercial, Industrial.

(1) Multiple Family, commercial and industrial properties must comply with the specifications set forth in the Auburn Hills Zoning Ordinance, as may be amended from time to time.

SECTION 12. DESIGNATED WASTE HAULER COLLECTION PROGRAM.

(a) Collection and disposal of solid waste and recyclable materials by the City's Designated Waste Hauler. Commencing on the date set forth in the Designated Waste Hauler contract, collection and disposal of solid waste, yard clippings, compostables and recyclable materials from single-family generation sites shall be in accordance with the Designated Waste Hauler Contract and the following provisions:

(1) No person shall dispose of any solid waste or recyclable materials (excluding yard clippings removed by landscapers) generated from single-family generation sites within the City other than by means of the Designated Waste Hauler contracted by the City for such purpose.

(2) As further directed in the Designated Waste Hauler Contract, the Designated Waste Hauler shall deliver solid waste to a facility authorized under Act 451, as amended, recyclables to a recycling facility and all other collection as directed in the Designated Waste Hauler Contract.

(3) No person except the Designated Waste Hauler shall engage in the business of collection, transporting, delivery or disposal of solid waste or recyclable materials generated by single-family generation sites within the City.

(4) The Designated Waste Hauler shall comply with Act 451 and all applicable federal, state and county laws, local ordinances, and rules and regulations in the collection, transportation and delivery of solid waste and recyclable materials.

(5) No person shall knowingly place hazardous waste at curbside or other designated locations for collection, and the Designated Waste Hauler shall not knowingly collect or deliver hazardous waste to a processing or disposal site.

(6) The provisions of Section 12 shall not prohibit the placement of solid waste, yard clippings or recyclable materials for collection by a person or company other than the Designated Waste Hauler if such person or company is operating under an active license of the City and is providing collection services pursuant to a collection contract existing prior to the enactment of the Designated Waste Hauler contract, between such person and the owner and occupant of a single-family generation site. Section 12 shall apply to such person or company upon expiration of the contract or license, whichever comes first.

(b) Rates, charges, and payments for Designated Waste Hauler Collection program: The Designated Waste Hauler shall charge fees for collection and disposal of waste and shall bill for such services in accordance with the following; unless provided otherwise in the Designated Waste Hauler Contract.

(1) The Designated Waste Hauler shall charge fees for collection and disposal of waste placed for collection as set forth in the contract between the Designated Waste Hauler and the City.

(2) Unless specified otherwise in the Designated Waste Hauler Contract, the Designated Waste Hauler shall send a quarterly invoice, in advance, to each single-family generation site for which services are provided in the City. Such invoice shall represent charges for services to be rendered in the following quarter.

(3) Unless otherwise specified in the Designated Waste Hauler Contract, the invoice shall be delivered by regular mail at least two weeks prior to the beginning of the quarter for which charges are imposed.

(4) If the invoice is not paid within 90 days after the due date, it shall be considered delinquent and a penalty set by the City Council or as otherwise specified in the designated Waste Hauler Contract shall be added to the amount due.

- a. If provided in the Designated Waste Hauler Contract, the charges for collection and disposal fees relating to services to single-family generation sites by the Designated Waste Hauler shall constitute a lien on the single-family generation site for which the services have been provided. Any charges and penalties delinquent for three months or more shall be certified annually by the City official in charge of collection to the tax assessing officer of the City to be entered upon the next tax roll against the single-family generation site for which the services have been rendered, and the charges and penalties shall be collected as part of the general City taxes against such single-family generation site and shall accrue further interest and penalties and shall be collected in the same manner as provided for delinquent real property taxes in the City. If not provided for in the Designated Waste Hauler Contract, the Designated Waste Hauler shall be responsible to collect all fees and the City will have no obligation to collect any fee or delinquent payment by tax lien or otherwise.

(c) If any term, provision or condition is not covered by this Ordinance, the Designated Waste Hauler Contract shall control and the City retains the right to amend, modify or change any term or condition provided in the Contract upon renewal, agreement of the parties or selection of a new Designated Waste Hauler.

SECTION 13. Penalties.

(a) Penalty. Any person, business engaging in solid waste collection for multiple family units or commercial units, or a Designated Waste Hauler, who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of at least Twenty-Five Dollars (\$25) and not more than Five Hundred Dollars (\$500) and the costs of prosecution. A separate offense shall be deemed committed for each violation and for each day a violation continues.

(b) Violations Declared Nuisance. Any storage or disposal of garbage, rubbish, solid waste and/or recyclables in violation of the provisions of this ordinance is hereby declared to be a nuisance per se. (Ord. No. 796, § 1, 2-5-07; Ord. No. 11-838, § 1, 9-12-11; Ord. No. 11-839, § 7, 12-20-11)

(1) A person who owns, manages, leases, rents, or occupies a premises shall not create, maintain, operate, or permit to be created, maintained, or operated any nuisance as defined in this article. All persons who own, manage, lease, rent or occupy any premises shall be equally responsible for keeping the premises in a clean and habitable condition and shall take all necessary precautions to prevent any nuisance, as defined in this article, from existing on the premises. Each day a violation occurs or continues is deemed a separate offense. (Ord. No. 796, § 1, 2-5-07)

(2) Notice to Abate. Upon observing a violation of the provisions of this article, an enforcement officer may issue a notice to abate to the occupant and property owner as shown on the records maintained by Oakland County. The notice to abate shall be served on the occupant and the property owner by first class mail and posted in a conspicuous location, where possible, upon the property at issue. Failure to receive such notice is not a defense to any action by the city to abate the violation, collect abatement costs, collect administrative costs, or impose penalties authorized by this Code.

(3) The notice to abate shall inform the owner and occupant of the following:

- a. The nature of the violation;
- b. The time frame within which the owner and/or occupant shall abate the violation, being not more than ten days from the date of the notice for violations related to the storage of refuse and 24 hours from the date of notice for violations related to standing for collection. The enforcement officer may grant additional time where bona fide efforts to abate the violation are in progress.
- c. If the owner or occupant fails to abate the violation, the enforcement officer may issue a municipal civil infraction citation.
- d. The city may act to abate the violation, if it is not abated by the owner or occupant;
- e. The cost of abatement by the city, plus an administrative fee, shall be a personal debt of the owner which may be assessed as a tax lien against the property until paid. (Ord. No. 796, § 1, 2-5-07)

(4) Emergency Abatement by City. When, in the opinion of the city manager, there is actual and immediate danger to the public or occupants of a premises caused by a violation on the premises, the city manager may, without any notice or hearing, order and require any reasonable action to abate the violation. (Ord. No. 796, § 1, 2-5-07)

(5) Penalty for Violation. A person who violates the provisions of this article, as amended, may be fined for a municipal civil infraction, subject to the following penalties:

- a. Civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction. Fines shall be in an amount set forth for the offense in the Schedule of Fines adopted by the 52-3 District Court, plus costs and other sanctions, for each offense.
- b. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate may issue any judgment, writ or order necessary to enforce, or enjoin said violation.
- c. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- d. In addition to any remedies provided for by this article, any equitable or other remedies available and/or permitted by law may be sought.
- e. The judge or magistrate may impose costs, damages, and expenses as provided by law.
- f. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an Auburn Hills City Code or other city ordinance violation which is not a civil infraction. (Ord. No. 796, § 1, 2-5-07)

(6) Abatement by City; Lien. If the notice to abate is not complied with in the allotted time period, then an agent authorized by the city manager or by an order of the 52-3 District Court may enter the property as many times as necessary to remove or eliminate the violation.

- a. The property owner shall be liable for all costs incurred by the city to remove or eliminate the violation. In addition, an administrative fee in the amount of 25 percent of the cost of the removal or elimination may included in total costs.
- b. Billing of costs will be mailed to the property owner by regular mail to the last known address. If the charges involved are not paid by the owner within 30 days from the date of billing, the payment shall be delinquent. In the event of delinquent charges, the city shall have a lien upon such property for the charges, and the lien is enforceable as a tax lien in the manner prescribed by the general laws of the state against the property and collected as in the case of general property tax.
- c. An action for abatement by the city does not preclude the right of the city to initiate a municipal civil infraction citation and request for formal hearing at 52-3 District Court. (Ord. No. 796, § 1, 2-5-07)

SECTION 14. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

SECTION 15. Existing License.

All existing licenses issued under this Ordinance that will be covered under the terms of the Designated Waste Hauler Contract, will not be renewed and will expire upon expiration of the current license or upon service being assumed by the Designated Waste Hauler, whichever comes first.

SECTION 16. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

SECTION 17. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

SECTION 18. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 24th day of August, 2026, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

AYES: 6 (Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke)
NAYES: None
ABSENT: 1 (Moniz)
ABSTENTIONS: None

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 26-952 adopted by the Auburn Hills City Council on the 24th day of August, 2026, the original of which is in my office.

Eugene Hawkins, III, Mayor

Laura M. Pierce, City Clerk

ATTACHMENT B

CITY OF AUBURN HILLS COUNTY OF OAKLAND STATE OF MICHIGAN

ORDINANCE NO. 26-951 TEXT AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE XII. T&R, TECHNOLOGY AND RESEARCH DISTRICTS, ARTICLE XIII. I-1, LIGHT INDUSTRIAL DISTRICTS, ARTICLE XIV. I-2, GENERAL INDUSTRIAL DISTRICTS, AND ARTICLE XVIII. GENERAL PROVISIONS OF THE AUBURN HILLS ZONING ORDINANCE NO. 372

THE CITY OF AUBURN HILLS ORDAINS

Section 1.

Article XII. T&R, Technology and Research Districts of Auburn Hills Zoning Ordinance No. 372 is amended to revise the preamble to read as follows:

The T&R, Technology and Research Districts are established to provide a high-quality environment for corporate and regional headquarters, research and development facilities, advanced technology enterprises, automation and robotics operations, aerospace, life sciences, biotechnology, information technology, engineering, and other employment-generating uses of a similar character and intensity. The Districts are intended to support Auburn Hills' role as a hub for corporate investment, innovation, and advanced technology employment opportunities by encouraging the development of businesses and facilities that contribute to the City's diversified economic base.

Technology and Research Districts are intended to be located and designed to:

1. Support innovation, investment, and economic growth by providing a business environment that encourages the development, retention, expansion, and diversification of technology-based, research-oriented, and advanced employment uses across multiple industry sectors;
2. Accommodate complementary accessory and support uses that serve the operational needs of businesses and employees within the District, provided such uses remain clearly secondary and supportive of the District's primary corporate, research, technology, and employment-generating functions;
3. Promote high-quality development standards through coordinated site planning, building design, architecture, landscaping, and infrastructure improvements that reflect the District's importance as a location for corporate, research, and advanced technology investment; and
4. Protect the long-term function and economic vitality of the District by ensuring compatibility among permitted uses, maintaining adequate infrastructure capacity, and encouraging development patterns that are consistent with surrounding land uses and the City's long-range planning objectives.

Section 2.

Article XII. T&R, Technology and Research Districts of Auburn Hills Zoning Ordinance No. 372 is amended to revise Section 1200. Principal Uses Permitted to remove subsection 2. Data processing and computing centers, and related services, and renumber subsections 3-5 to 2-4 to read as follows:

SECTION 1200. PRINCIPAL USES PERMITTED

In the T&R Technology and Research District no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of research, design, and development of pilot or experimental products and processes including research labs, training facilities, and light assembly operations as adjuncts to the principal use. Assembly operations shall be limited to those involving premanufactured finished objects and components and shall include only the incidental fabrication, machining, or forming of metal, plastic, or other materials as part of product development, experimentation, demonstration and repair, or the provision of customized components.
2. Single and multi-tenant office buildings. Sales as an adjunct to the principal use are also permitted.
3. Municipal buildings and uses.
4. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted (e.g., child care, food service, and health/workout rooms, and other similar adjunct uses provided within a facility which are intended for sole use of the workers of said facility and not the general public).
5. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as Special Land Uses Permitted.

Section 3.

Article XII. T&R, Technology and Research Districts of Auburn Hills Zoning Ordinance No. 372 is amended to revise subsection 7 in Section 1201. Special Land Uses Permitted to read as follows:

7. Clean industrial uses may be permitted as Special Land Uses within the T&R District when conducted entirely within an enclosed building and when consistent with the purpose and intent of the District. Such uses shall comply with the requirements of Section 1202 and shall be subject to the following standards:
 - A. Definition and Operational Characteristics. For purposes of this Section, a clean industrial use is a light industrial operation involving the assembly, incidental fabrication, processing, testing, research, development, or production of advanced technology, high-value, precision, or specialized products within an enclosed building. Clean industrial uses shall utilize processes designed to minimize external impacts, including noise, vibration, odors, dust, smoke, emissions, outdoor storage, and truck traffic. A clean industrial use may constitute the principal use of a site and need not be accessory to an office, research and development, or corporate headquarters use. A clean industrial use does not include a Data Center, as defined in Section 1837.
 - B. Site and Building Design Standards. Buildings and sites occupied by clean industrial uses shall maintain the high-quality character and development standards of the T&R District through superior site design, landscaping, greenspace, and architecture. Building elevations visible from public rights-of-way, private road easements, or adjacent properties shall incorporate high-quality materials, glazing, and architectural features consistent with a corporate, research, or technology-oriented appearance.

- C. Transportation and Freight Limitations. Truck traffic associated with clean industrial uses shall be limited to deliveries and shipments customary and incidental to the operation of the use. Warehouses, distribution centers, fulfillment centers, freight terminals, logistics facilities, and similar uses whose primary function is the storage, distribution, or movement of goods are prohibited, regardless of whether such facilities include office, corporate, or administrative space. Uses that are dependent upon high-volume truck traffic or intensive freight movement are likewise prohibited.

Section 4.

Article XIII. I-1, Light Industrial Districts of Auburn Hills Zoning Ordinance No. 372 is amended to revise Section 1300. Principal Uses Permitted to remove subsection 4. Data processing and computing centers, and related services, and renumber subsections 5-7 to 4-6 to read as follows:

SECTION 1300. PRINCIPAL USES PERMITTED:

In the I-1 Light Industrial Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any of the following uses when conducted wholly within a completely enclosed building (no outside storage of permanent vehicles, material or equipment):
 - A. Warehousing and wholesale establishments, with retail sale only if accessory to the principal use.
 - B. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery; tool, die, gauge and machine shops.
 - C. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as , but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns. Sheet metal stamping is not permitted as a principal use.
 - D. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - E. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
 - F. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - G. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
 - H. Automobile repair stations, automobile or other machinery assembly plants; painting and varnishing shops, and undercoating shops.
 - I. Experimental, film or testing laboratories.
 - J. Building material storage and sales in an enclosed building.
2. Private paramedical emergency facilities subject to the following conditions:
 - A. Such facilities shall be located only on collector thoroughfares or major thoroughfares as indicated on the adopted Major Thoroughfare Plan of the City of Auburn Hills.
 - B. All ingress and egress on the site shall be located at least fifty (50) feet from any adjacent property line or right-of-way line.

- C. If not in existence, a passing lane shall be provided opposite the ingress/egress route used for paramedical and such other emergency vehicles in addition to the required acceleration and deceleration lanes. The passing lane is required to insure that the purpose and intent of this Zoning Ordinance is met, and is deemed necessary to prevent traffic congestion in order to assure proper egress for fast moving and accelerating emergency vehicles in order to protect the health and safety of the citizens of Auburn Hills and abutting areas.
- D. All such facilities shall be developed on sites of at least one (1) acre in area.
- 3. Any use charged with the principal function of research, design and development of pilot or experimental products and processes including research labs, training facilities, and light assembly operations as adjuncts to the principal use. Assembly operations shall be limited to those involving premanufactured finished objects and components, and shall include only the incidental fabrication, machining or forming of metal, plastic, or other materials as part of product development, experimentation, demonstration and repair, or the provision of customized components.
- 4. Oil and gas wells in accordance with the criteria set forth in Section 1835.
- 5. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area (e.g., general office, child care, food service, health/workout rooms, and other similar adjunct uses provided within a facility which are intended for sole use of the workers of said facility and not the general public).
- 6. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

Section 5.

Article XIII. I-1, Light Industrial Districts of Auburn Hills Zoning Ordinance No. 372 is amended to add new subsection 23 regulating Data Centers and renumber subsections 23-24 to 24-25 in Section 1301. Special Land Uses Permitted to read as follows:

- 23. Data Centers and related data processing and computing facilities, subject to the requirements of Section 1837.
- 24. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.
- 25. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

Section 6.

Article XIV. I-2, General Industrial Districts of Auburn Hills Zoning Ordinance No. 372 is amended to add new subsection 13 regulating Data Centers and renumber subsections 13-14 to 14-15 in Section 1401. Special Land Uses Permitted to read as follows:

- 13. Data Centers and related data processing and computing facilities, subject to the requirements of Section 1837.
- 14. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted; however, accessory uses shall not exceed fifty (50) percent of the gross building area.

15. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

Section 7.

Article XVIII. General Provisions of Auburn Hills Zoning Ordinance No. 372, as amended, is hereby amended to add a new section 1837. Data Centers, which shall read in its entirety as follows:

SECTION 1837. DATA CENTERS

1. Purpose and Intent

The purpose of this Section is to establish reasonable, predictable, and enforceable standards governing the siting, design, construction, operation, and expansion of Data Centers within the City of Auburn Hills in order to:

- A. Promote high-quality investment, expand the City's tax base, create employment opportunities, and support economic development by accommodating appropriately located Data Centers within designated zoning districts.
- B. Protect residents, businesses, public infrastructure, and surrounding property owners from potential adverse impacts associated with Data Center development and operation, including, but not limited to, noise, low-frequency sound, vibration, visual impacts, hazardous material storage, and demands on municipal utilities and public services.
- C. Establish measurable, objective, and enforceable operational performance standards, including post-construction verification of noise, low-frequency sound, utility usage, and other operational characteristics that may affect surrounding properties.
- D. Promote the efficient use of energy and natural resources through sustainable building design, energy-efficient equipment, stormwater best management practices, and cooling technologies that minimize potable water consumption, with a preference for closed-loop or other low-water-use cooling systems where feasible.
- E. Require coordination with electric, water, sewer, and other applicable utility providers to verify that adequate infrastructure capacity exists or will be provided by the applicant, and that facility operations will not adversely affect the reliability or availability of municipal services.
- F. Recognize that Data Centers may require substantial land area and electrical infrastructure while generating comparatively few permanent employment opportunities. Accordingly, the standards of this Section are intended to balance the City's long-term economic development objectives, preserve limited T&R, Technology and Research District land and available electrical infrastructure for employment-intensive uses, and prohibit new Data Center developments within said District except when approved by the City Council through the Planned Unit Development Option in Section 1830 and in accordance with the applicable standards of this Section.
- G. Recognize that the City is approaching build-out of its industrial land supply and encourage Data Center development through the adaptive reuse of existing industrial buildings and underutilized industrial properties rather than on the City's limited remaining vacant industrial land.

2. Definitions

For purposes of this Section, the following definitions apply. Where a term is not defined in this Section, the definition set forth elsewhere in this Ordinance, or its plain meaning, shall control.

- A. Data Center. A building, or portion of a building, whose primary use is to house computer systems, servers, and associated components, including cooling, power distribution, backup generation, and

network infrastructure, for the storage, processing, management, or distribution of data, whether operated by a single user, colocation provider, or multiple tenants. A Data Center does not include computer systems, server rooms, network equipment rooms, telecommunications closets, or similar facilities that are clearly incidental and subordinate in floor area, electrical demand, and function to another lawful principal use on the same zoning lot, primarily support the operations of that principal use, and are not operated or marketed principally as a data-processing, hosting, storage, or colocation facility.

- B. Designed Electrical Load Capacity. The maximum electrical load, expressed in Megawatts, that a Data Center is designed to accommodate at Ultimate Build-Out, including information technology equipment, cooling systems, electrical distribution equipment, backup power systems, and all supporting infrastructure, as demonstrated by electrical engineering plans, utility service agreements, manufacturer specifications, or other documentation acceptable to the City.
- C. Megawatt. A unit of electrical power equal to one thousand (1,000) kilowatts or one million (1,000,000) watts, used in this Section to express Designed Electrical Load Capacity.
- D. Ultimate Build-Out. The maximum reasonably anticipated development intensity of a Data Center site, including all existing, proposed, approved, reserved, entitled, or reasonably foreseeable future phases, buildings, additions, increases in Designed Electrical Load Capacity, mechanical systems, emergency generation, and related infrastructure, regardless of whether all phases are proposed for immediate construction.
- E. Ambient Sound Level. The A-weighted sound pressure level, expressed in dB(A), representing the existing background sound environment at the property boundary or other measurement location designated by this Ordinance.
- F. Tonal Component. A discrete, audible frequency or narrow frequency band that is readily distinguishable from the surrounding broadband sound, as determined in accordance with ANSI/ASA S12.9 or a successor standard approved by the City.
- G. Backup Generator. Any diesel, natural gas, or other fuel-fired engine-generator set installed to provide emergency or standby electrical power to a Data Center during a utility outage or other interruption of normal electrical service.

3. Existing Data Centers

Any Data Center lawfully operating on the effective date of this Section shall be considered lawful and conforming solely as to the data center use and may continue subject to its

approved site plan, Development Agreement, and other applicable approvals. Nothing in this subsection shall cause a nonconforming structure or site condition to become

conforming or authorize an expansion except in accordance with this Section. No increase in the maximum approved electrical capacity, measured in Megawatts, gross floor area, or Backup Generator capacity, shall be permitted unless authorized by an amendment

to the recorded Development Agreement approved by the City Council. For any lawfully operating Data Center on the effective date of this Section that is not subject to a Development Agreement, any increase in designed electrical load capacity, gross floor area, cooling system equipment, or backup generator capacity shall comply with the requirements of this Section.

4. Applicability and Permitted Locations

- A. Permitted Locations. A citywide evaluation of potential Data Center locations was conducted to identify sites capable of accommodating the use while protecting surrounding land uses and making

efficient use of existing and planned infrastructure. The evaluation included consultation with the electric utility regarding available electrical service capacity and the practicality of extending service, and considered the following factors:

- 1) Compatibility with surrounding land uses, including protection of residential neighborhoods and avoidance of conflicts with existing and planned development;
- 2) Potential operational impacts, including continuous equipment noise from cooling systems and emergency generator testing;
- 3) Availability of necessary infrastructure, including electrical service, fiber optic and telecommunications systems, and municipal utilities;
- 4) Sufficiency of parcel size and configuration to accommodate the proposed use and potential future expansion;
- 5) Existing development patterns and consistency with the goals and objectives of the City's Master Land Use Plan;
- 6) Visual compatibility with surrounding development; and
- 7) Efficient use of public infrastructure and services in a manner that promotes the public health, safety, and welfare.

Accordingly, Data Centers, as defined in this Section, shall be permitted only on the properties identified in the following Table 1 subject to Special Land Use approval.

Table 1

Address	Sidwell Number	Zoning District
1681 Harmon Road	14-03-100-043	I-1, Light Industrial
3985 Giddings Road	14-03-100-047	I-1, Light Industrial
1750 Summit Drive	14-03-100-052	I-1, Light Industrial
1751 Summit Drive	14-03-100-051	I-1, Light Industrial
1700 Brown Road	14-03-100-028	I-1, Light Industrial
1750 Brown Road	14-03-100-024	I-2, General Industrial

- B. Planned Unit Development Option. New Data Centers and expansions to existing Data Centers in locations other than those identified in Table 1 above may be considered only through approval of a Planned Unit Development (PUD) in accordance with Section 1830. Approval of a PUD for a new Data Center or the expansion of an existing Data Center shall be at the sole discretion of the City Council, following a recommendation from the Planning Commission. An applicant shall have no right to appeal the requirements of this section to the Zoning Board of Appeals.

5. Data Center Review Criteria

In addition to the Special Land Use review criteria set forth in Section 1818 or PUD review criteria set forth in Section 1830, as applicable, the Planning Commission and City Council shall consider the following Data Center-specific criteria when evaluating an application:

- A. Compatibility of anticipated noise, vibration, lighting, and visual impacts with adjacent and nearby land uses.

- B. Adequacy of the proposed acoustic mitigation measures, including equipment selection, screening, building orientation, and site layout, based on the required pre-construction acoustic study.
- C. Adequacy of existing and proposed emergency and utility infrastructure to serve the facility without adversely affecting service reliability for existing customers.
- D. Consistency and adequacy of the proposed Backup Generator testing and operating protocols.
- E. Whether the applicant has disclosed the Ultimate Build-Out of the site and demonstrated that the facility can comply with all applicable standards of this Section at Ultimate Build-Out, rather than only during the initial phase of development.

6. Application Requirements

In addition to the standard site plan submission requirements, an application for a Data Center shall include the following information to demonstrate compliance with this Section:

- A. A pre-construction acoustic study prepared in accordance with subsection (7.A).
- B. A written statement describing the Ultimate Build-Out of the site, including the maximum anticipated Designed Electrical Load Capacity, total floor area, and the number, size, and location of all proposed mechanical equipment, cooling systems, electrical infrastructure, and Backup Generators, regardless of whether all phases are proposed for immediate construction.
- C. The utility-related information and documentation required by subsection 11(A), below.
- D. A narrative describing the proposed water supply and cooling system, including anticipated water demand, water source, wastewater generation, and discharge methods, if applicable.
- E. A Development Agreement, drafted by the City Attorney and signed by the applicant, together with any supporting documentation necessary to demonstrate compliance with this Section.

7. Noise and Acoustic Standards

This subsection is intended to directly address operational noise concerns typically associated with Data Centers, including mechanical equipment, cooling systems, electrical infrastructure, and Backup Generators. Because pre-construction predictive modeling cannot fully account for actual operating conditions, both pre-construction and post-construction requirements shall apply.

- A. Pre-Construction Acoustic Study. Prior to Special Land Use or PUD approval and site plan approval, the applicant shall submit an acoustic study prepared by a qualified acoustical engineer that:
 - 1) Documents existing Ambient Sound Levels at the Data Center property lines and at any Residential District boundary located within one thousand (1,000) feet of the site, based on measurements representative of both daytime and nighttime conditions.
 - 2) Models the anticipated sound level contribution of the proposed facility at full Ultimate Build-Out, including all mechanical, cooling, electrical, and Backup Generator equipment, at the Data Center property lines and at any Residential District boundary located within one thousand (1,000) feet of the site.
 - 3) Identifies any anticipated Tonal Component, low-frequency noise, vibration, or other sound characteristics that may increase the perceptibility or impact of facility noise and proposes specific mitigation measures, including equipment selection, enclosures, barriers, screening, and equipment orientation.
 - 4) Demonstrates compliance with the performance standards of subsection 7.B, including any applicable adjustments for Tonal Components, low-frequency noise, or other characteristics that increase noise perception.
- B. Performance Standards.
 - 1) The facility shall comply with the noise performance standards of Section 1807.6.

- 2) Where residentially zoned or residentially used property is located within one thousand (1,000) feet, the City Council may impose a more restrictive numerical sound limit or additional mitigation as a condition of approval only upon a finding, supported by the required acoustic study, that the condition is necessary to satisfy Sections 1818 and 1837.7. Any such condition shall identify the applicable numerical limit, measurement location, measurement duration, time period, and adjustment for Tonal Components or low-frequency sound.
 - 3) Tonal Components, low-frequency noise, vibration, or other characteristics that increase the perceptibility or impact of facility noise may require additional mitigation, even where overall dB(A) limits are satisfied. Any additional mitigation required under this paragraph shall be supported by the acoustic study, stated in specific and enforceable terms, and reasonably necessary to satisfy Sections 1818 and 1837.7.
 - 4) Compliance measurements shall be conducted in accordance with industry-recognized environmental sound measurement practices using properly calibrated equipment and under conditions reasonably calculated to produce reliable and repeatable results.
- C. Post-Construction Acoustic Verification. Pre-construction modeling shall not be considered conclusive evidence of continued compliance. Accordingly:
- 1) Within ninety (90) days of the facility first achieving substantial operation, defined as IT load reaching fifty percent (50%) or more of the initial phase's Designed Electrical Load Capacity, the applicant shall commission and submit to the City an independent post-construction acoustic verification study performed under representative operating conditions at the highest reasonably achievable load at the time of testing, at the same measurement locations used in the pre-construction acoustic study, but in no event later than twelve (12) months after issuance of the certificate of occupancy, unless the City approves a later date for good cause.
 - 2) If the post-construction study demonstrates non-compliance with subsection 7.B, the applicant shall submit and implement a mitigation plan subject to City approval and shall complete a follow-up verification study within one hundred eighty (180) days confirming compliance.
 - 3) The City may require an additional verification study, at the applicant's expense, following any subsequent expansion, significant equipment replacement, change in operational characteristics, or substantiated complaint.
 - 4) The Development Agreement for any Data Center shall include the City's right to conduct, or retain a third party to conduct, unannounced sound level monitoring at the applicant's expense not more than twice per calendar year, unless additional monitoring is warranted due to a substantiated complaint or compliance concern.
- D. Complaint Response Protocol. The operator shall designate a local or readily reachable point of contact responsible for responding to noise complaints. The operator shall respond to any complaint referred by the City within one (1) business day. Three (3) or more substantiated complaints within any twelve (12) month period shall require a mandatory re-verification study under subsection 7.C at the operator's expense.

8. Backup Generators and Emergency Power

Backup Generators are necessary infrastructure but are also a principal source of potential nuisance complaints if not properly regulated. Accordingly:

- A. Routine, non-emergency testing and load-bank testing of Backup Generators shall occur only Tuesday through Thursday between 11:00 a.m. and 3:00 p.m., excluding federal holidays.
- B. Routine testing shall not exceed thirty (30) minutes per Backup Generator per week, except where additional operation is required due to a documented mechanical or operational necessity. Testing exceeding this limitation shall require advance written notice to the City.

- C. The operator shall provide the City with written notice at least seventy-two (72) hours in advance of any scheduled testing outside routine parameters, including annual load-bank testing.
- D. Backup Generators shall be equipped with exhaust silencers and, where necessary to comply with subsection 7, acoustic enclosures, barriers, or other approved mitigation measures.
- E. Nothing in this subsection shall restrict Backup Generator operation during an actual utility outage or bona fide emergency.
- F. Fuel storage shall comply with all applicable fire code requirements and Michigan Department of Environment, Great Lakes, and Energy (EGLE) requirements. Prior to occupancy, the applicant shall provide the Fire Department with a site-specific pre-incident plan.

9. Visual Impact, Screening, and Fencing

- A. All Backup Generators, transformers, mechanical equipment, including chillers, condensing units, and other cooling equipment, and other utility equipment located outside of a building shall be screened from view from any public or private roadway and any adjacent property through a combination of building design, opaque walls or fencing, and landscaping. Screening shall be of sufficient height and opacity to substantially conceal the equipment and achieve compliance with the noise and acoustic standards of subsection 7.
- B. Where equipment is located on the roof of a building, screening shall be accomplished through a parapet wall, screen wall, or comparable architectural enclosure of sufficient height to conceal the equipment from view at grade from adjacent public streets, private roads, and properties. Such screening shall be visually consistent with the building's architecture.
- C. Perimeter security fencing shall not exceed eight (8) feet in height, exclusive of approved anti-climb security features. Fencing shall be located behind the required landscape buffer adjacent to any public street right-of-way or private road easement. Barbed wire, razor wire, concertina wire, electrified fencing, and similar security devices are prohibited.
- D. Building facades visible from a public street, private road, or adjoining property shall incorporate architectural articulation, including variations in materials, offsets, reveals, fenestration, or comparable design elements. No building facade shall consist of an unarticulated blank wall exceeding one hundred (100) feet in length.
- E. Where a Data Center involves conversion of an existing building rather than new construction, subsection 9.D shall apply only to new construction, building additions, or facade areas materially altered as part of the conversion. For an existing facade retained without material alteration that does not meet subsection 9.D, the Planning Commission and City Council may approve alternative compliance upon finding that literal compliance is not structurally or economically feasible and that the proposed alternative, which may include landscaping, decorative screening, wall treatments, lighting, or comparable mitigation, reasonably advances the visual compatibility purposes of this Section.

10. Water Supply and Cooling Systems

- A. The applicant shall identify the proposed cooling technology, including air-cooled, evaporative, liquid, hybrid, or other systems, and provide an estimate of average and peak daily water demand at Ultimate Build-Out.
- B. Where municipal water or sanitary sewer capacity may be affected, the applicant shall coordinate with the City's Department of Public Works and the City's consulting engineer to demonstrate adequate capacity exists or will be provided at the applicant's expense.
- C. Data Centers are encouraged to use closed-loop dry cooling or other water-efficient cooling technologies to minimize potable water consumption. Where potable municipal water is proposed

for non-contact cooling purposes, the applicant shall demonstrate why more water-efficient alternatives are not technically or economically feasible.

- D. Water efficiency and long-term water demand may be considered by the Planning Commission and City Council as part of Special Land Use or PUD review.

11. Electrical Infrastructure Impact

- A. The applicant shall request and, if provided by the serving electric utility, submit written confirmation that adequate electrical capacity exists or can be made available to serve the facility at full Ultimate Build-Out. The applicant shall also request that the utility identify any necessary infrastructure improvements, the costs assigned to the applicant under the utility's applicable tariffs, rules, and applicable law, and whether the proposed service is anticipated to adversely affect service reliability or impose additional costs on existing customers. If the utility declines or is unable to address any of these matters in writing, the applicant shall document its request and the utility's response and submit any other reasonably available utility correspondence, service-availability determination, engineering study, or service agreement addressing the requested service.
- B. Any electric substation, transmission, or distribution infrastructure required solely to serve the facility shall be constructed at the applicant's expense and shall be sited and screened consistent with subsection 9 to the extent reasonably possible when located on the same or adjacent parcel.

12. Emergency Services and Public Safety

- A. The applicant shall provide a written emergency response plan and meet with the Fire Department and Police Department to review site access, fire suppression systems, hazardous materials, including fuel storage and battery systems, and any specialized equipment or training necessary to respond safely to an incident at the facility.
- B. The applicant shall provide and periodically update as-built emergency response information, including site plans, shutoff locations, and hazardous materials inventory, to the Community Development Department and Fire Department.
- C. Any lithium-ion or other battery energy storage system shall comply with applicable fire code requirements for stationary storage battery systems and shall be reviewed by the Building Official and Fire Chief prior to installation.

13. Parking and Loading

As part of its approval of a Special Land Use or PUD, the City Council may, following review and recommendation by the Planning Commission, approve a modification of the otherwise applicable parking or loading requirements only upon written findings that the number and design of the proposed spaces or loading areas are adequate for the facility's maximum anticipated employment, visitors, deliveries, maintenance, and emergency operations at Ultimate Build-Out; that the modification will not impair access, circulation, public safety, or neighboring property; and that all applicable accessible-parking and fire-access requirements remain satisfied.

14. Required Disclosure of Future Build-Out

- A. An applicant shall disclose all planned, approved, or reasonably foreseeable future phases, expansions, and increases in electrical capacity associated with the site. The disclosure shall provide sufficient information for the City to evaluate the facility's full potential build-out. A material misrepresentation or omission discovered before final approval may constitute grounds for denial or the imposition of appropriate conditions. A material misrepresentation or omission discovered after

approval shall constitute a violation subject to the enforcement and revocation procedures in the Development Agreement.

- B. The Planning Commission and City Council shall evaluate the application based on the anticipated Ultimate Build-Out of the facility and may condition approval of an initial phase on a demonstration that subsequent phases can comply with all applicable requirements of this Section.

15. Development Agreement

A Development Agreement is required for every Data Center facility and shall be a condition of Special Land Use or PUD approval. The Development Agreement shall establish enforceable obligations, restrictions, performance standards, and commitments applicable to the facility. The Development Agreement shall be recorded against the property, shall run with the land, and shall bind the applicant, property owner, operator, and their successors and assigns. The provisions listed below establish the minimum required contents of the Development Agreement and shall not limit the City's authority to require additional terms, conditions, restrictions, financial assurances, monitoring requirements, or obligations reasonably related to the proposed development, anticipated impacts, or Special Land Use or PUD approval. At a minimum, the Development Agreement shall address:

- A. A description of the project, including the applicant, property owner, operator, site location, and general nature and scope of the proposed Data Center use.
- B. The planned Designed Electrical Load Capacity, in Megawatts, for the initial phase and Ultimate Build-Out of the site.
- C. A reference to the approved site plan governing the facility, including the date of approval and any subsequent amendments.
- D. The specific noise performance standards, mitigation requirements, and post-construction verification requirements applicable to the site, which may be more, but not less, restrictive than subsection 7.
- E. Generator testing protocols specific to the site.
- F. Operational conditions applicable to the facility, including hours of routine testing, maintenance, delivery activity, and other site-specific operational restrictions.
- G. The City's right of periodic inspection and monitoring, at the operator's expense, as described in subsection 7.
- H. Remedies for noncompliance, including written notice of the violation, a reasonable opportunity to cure, enforcement proceedings, and, where warranted, revocation of the Special Land Use approval or enforcement of the PUD approval and Development Agreement. Except where immediate action is necessary to address an imminent threat to public health or safety, the City shall provide written notice to the operator and property owner identifying the alleged violation and allowing not less than thirty (30) days to cure. If the violation cannot reasonably be cured within thirty (30) days, the cure period may be extended if the operator commences corrective action within that period and diligently proceeds to completion. If a material violation remains uncured, the City Council may revoke the Special Land Use approval following notice and a public hearing. Any revocation shall be supported by written findings that the violation is material, remains uncured, and cannot be adequately addressed through a lesser enforcement remedy. Nothing in this subsection limits the City's authority to pursue any other remedy authorized by this Ordinance, the Development Agreement, or applicable law.
- I. Any additional project-specific provisions, conditions, representations, restrictions, performance standards, or commitments that the City determines are necessary to protect the public health, safety, and welfare or implement the intent of this Section, including commitments made by the

applicant during the Special Land Use or PUD review process, all of which shall be binding upon the operator and its successors and assigns.

Section 8. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 9. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 10. Savings.

Nothing in this Ordinance shall impair any final approval, permit, or vested right existing on its effective date or abate any pending violation, enforcement proceeding, liability, or remedy. Except to the extent required by a vested right established under Michigan law, an application that has not received final approval before the effective date shall be reviewed under this Ordinance.

Section 11. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon the expiration of seven (7) days after publication in the manner prescribed by the Charter of the City of Auburn Hills and as required by law.

Section 12. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 24th day of August 2026 and ordered to be given publication in a manner prescribed by the Charter of the City of Auburn Hills.

AYES: 6 (Ferguson, Fletcher, Hawkins, Knight, Marzolf, Verbeke)
NAYES: None
ABSENT: 1 (Moniz)
ABSTENTIONS: None

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 26-951 adopted by the Auburn Hills City Council on the 24th day of August 2026, the original of which is in my office.

Eugene Hawkins, III, Mayor

Laura M. Pierce, City Clerk



ATTACHMENT C

CITY OF AUBURN HILLS

1827 N. SQUIRREL ROAD

AUBURN HILLS, MI 48326

248.370.9402

At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan, held in City Council Chamber at 1827 N. Squirrel Road, Auburn Hills, MI 48326 at 7:00 PM, on the 24th day of August, 2026. The following resolution was offered by Council Member Fletcher and seconded by Council Member Marzolf:

**RESOLUTION OF NECESSITY AND AUTHORIZATION
TO COMMENCE EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the City of Auburn Hills (the “City”) owns and operates several public parking lots in the area of the City bounded by S. Squirrel Road to the west, Juniper Street to the east, Parkway Boulevard and Squirrel Court to the north, and Primary Street to the south. This area of the City is sometimes known as the “Downtown Core.”

WHEREAS, there are also public street parking and private parking facilities in the Downtown Core. Private parking spaces are generally dedicated and assigned to specific users.

WHEREAS, the demand for public parking spaces in the Downtown Core exceeds the available supply, and demand continues to increase as residential and commercial development continues to expand, and downtown community events grow in popularity in what is the City’s main gathering place.

WHEREAS, an undersupply of available public parking spaces leads to frequent vehicle turnover, repeated vehicle relocations, and increased vehicle circulation, which results in unauthorized parking, overstayed time limits, long-term users occupying spaces intended for business patrons, and enforcement challenges. These conditions cause greater congestion, inconvenience, and increase the likelihood of accidents and injury.

WHEREAS, the undersupply of parking in the Downtown Core has a significant negative impact on residents and businesses located in the Downtown Core, residents of the City, and the public at large. When parking is perceived as difficult, inconvenient, or unreliable, customers avoid businesses in the Downtown Core; employees at businesses suffer disruptions and interference with productivity, creating hiring and retention challenges for businesses; and residents must compete with business patrons and employees for parking, rendering residences in and around the Downtown Core less desirable. The undersupply of parking weakens the functionality, vitality, and economic prosperity of the Downtown Core and surrounding areas.

WHEREAS, the City has attempted to address the undersupply of parking in the Downtown Core through means such as enhanced parking management strategies. These strategies include expanded time restrictions on parking spaces, expanded enforcement, and shared parking arrangements, but these strategies are insufficient to address the need for additional parking.

WHEREAS, the City has considered alternatives to address the undersupply of parking in the Downtown Core, including remote parking, leasing private parking spaces, and structured parking. Residents, patrons, and employees are unlikely to use remote parking, particularly during evening hours and during adverse weather. Leased space is subject to termination, modification, and ownership changes, such that it does not provide stable long-term solutions. Parking structure spaces require long timelines to plan, construct, and actually provide additional parking, such that this approach is neither a practical nor timely solution to the immediate need for additional parking in the Downtown Core.

WHEREAS, the City therefore identified the property at 50 Juniper Street, identified as tax parcel number 02-14-36-128-003 (the “Subject Property”), as the most practical location to expand public parking in the area of greatest need. The Subject Property is located within the Downtown Core, immediately adjacent to an existing City parking lot. Its use for public parking would maximize operational efficiency and traffic circulation in the Downtown Core, providing parking that is not remote from areas where there is demand for parking, and avoid the fragmentation of parking that would result from use of sites that are remote from the Downtown Core or are not adjacent to existing public parking.

WHEREAS, the City therefore developed plans to acquire the Subject Property to convert its use to public parking, in conjunction with the existing adjacent public parking lot, to address the demand for parking in the Downtown Core (the “Downtown Parking Expansion Project”).

WHEREAS, the City has determined that it is necessary and essential to the public health, safety, and welfare to acquire fee simple ownership of the Subject Property, subject to certain utility and other interests of record, to proceed with the Downtown Parking Expansion Project.

WHEREAS, under Const 1963, the Home Rule City Act, MCL 117.1 *et seq.*, the Acquisition of Property by State Agencies and Public Corporations Act, MCL 213.21 *et seq.*, the Charter of the City of Auburn Hills, and other Michigan law, the City possesses legal authority to exercise eminent domain to acquire private property for the Downtown Parking Expansion Project.

Now, therefore, by virtue of the City’s authority under Michigan law, it is resolved as follows:

1. The foregoing recitals are ratified, adopted, and confirmed.
2. It is necessary to acquire the Subject Property for the Downtown Parking Expansion Project, for the public health, safety, and welfare.
3. The City’s counsel at Williams Williams Rattner & Plunkett, PC, is authorized and directed to take actions that are required and appropriate in their discretion to acquire the Subject Property so that the City may proceed with the Downtown Parking Expansion Project, including condemnation proceedings under Const 1963, the Uniform Condemnation Procedures Act, MCL 213.51 *et seq.*, and other Michigan law, and to take all required and appropriate actions in any such proceedings and otherwise.
4. Any Resolutions in conflict with this Resolution are revoked to the extent of such conflict.

AYES: 5 (Ferguson, Fletcher, Hawkins, Knight, Marzolf)
NAYES: None
ABSENT: 2 (Moniz, Verbeke)

ABSTENTIONS: None

RESOLUTION DECLARED ADOPTED

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, the undersigned, the duly elected Mayor and appointed City Clerk for the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Auburn Hills City Council held on the 24th day of August, 2026.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this ____ day of ____, 2026.

Eugene Hawkins, III, Mayor

Laura M. Pierce, City Clerk