

TA26-01 Ordinance 2 – Amend Use Table (Article 30-4.A.2)

This Use Table amendment is necessary because, without an explicit row, a “data center” can drift into whatever use category seems most convenient in a given application (telecom, industrial service, office/tech, accessory utility equipment), which creates inconsistent entitlements and weakens enforcement. This ordinance solves that by making “Telecommunications and Data Storage Facility” a named use in the Use Table and by splitting it into two principal-use variants that matter for impacts: a standard principal facility, and a principal facility “with Energy Center.”

The core logic is to make the entitlement match the expected external effects and the City’s tolerance for risk. The “Telecommunications and Data Storage Facility, Principal Use” row is designed to be predictable in the employment/industrial districts where the City can reasonably expect large-format infrastructure, heavy utility demand, and industrial-adjacent operations. That is why it is permitted by right in BP=4, LI, and HI, while still requiring Special Use Permit approval in the more edge-condition districts where compatibility concerns are greater, such as OI, CC, DT-1, DT-2, and UC. The ordinance also makes the exclusion clear: it is prohibited in neighborhood-scale commercial districts (NC and LC), prohibited in MU, and prohibited in PD-R. This is the practical “keep it out of the neighborhood contexts” move. Because once a use is not named and not clearly prohibited, the pressure shifts to interpretation and analogy, which is where these cases get messy.

The second row, “Telecommunications and Data Storage Facility, Principal Use, with Energy Center,” is necessary because an on-site energy component changes the impact profile in ways that matter for neighbors and for City operations. Even if the building footprint looks similar, an energy center increases the likelihood of more frequent generator operation, fuel logistics, utility coordination complexity, and a different noise and emissions posture. The table reflects that by making this version Special Use Permit-only in every conventional district where it is allowed (including BP-4, LI, and HI), rather than allowing it by right in the industrial districts. That is the ordinance’s main policy lever: it keeps the “baseline” data center form predictable in employment districts, but reserves discretionary review for the version that has a materially higher operational intensity and greater potential for nuisance and enforcement workload.

The Planned Development treatment is intentionally consistent with how our Use Table already handles “MP” uses. Both rows are shown as allowed only through the Planned Development Master Plan framework in PD-EC and PD-TN. The logic here is that PD districts are supposed to be negotiated, site-specific entitlement environments; the table preserves that structure rather than creating a parallel by-right pathway inside PD zoning.

Two drafting choices in the Notes are doing quiet but important work for clarity and litigation-proofing. First, the ordinance states that the permissions apply only to the zoning districts explicitly listed in the row and that any district not listed is prohibited. That eliminates the common argument that “if it’s not listed, it must be allowed somewhere else,” and it prevents accidental permissibility through omission. Second, the “Additional Requirements” callout to the

new use-specific standards section ties entitlement to performance regulation, so the Use Table is not acting alone; it's a front door into the standards that address the actual impacts.

Stepping back, the ordinance is essentially balancing two competing goals: giving applicants a clear, investment-grade pathway in the industrial/employment districts for the lower-impact principal form, while keeping a discretionary review tool available where either the setting is more sensitive (downtown/urban core and edge districts), or the operational model is inherently more intense (the Energy Center version).