

TA26-01 Ordinance 3 - Add Use-Specific Standards for Data Centers (Article 30-4.C.5)

This ordinance is necessary because the Use Table only answers where a data center can go and what entitlement it needs. It does not answer the questions that actually drive public concern and day-to-day enforcement: where the loud equipment sits, how close it can be to homes, what noise standard applies at the property line, when generator testing can happen, what must be proven at the site plan, and what happens if real-world operations don't match the modeling. This ordinance fills that gap by creating a purpose-build, enforceable operating and site-design framework for data centers as a land use, especially around residential edges and other noise-sensitive contexts.

At the top, the ordinance starts by defining applicability in a way that prevents easy workarounds. It makes clear the standards apply to all principal Telecommunications and Data Storage Facilities, including phased build-out within a campus, so an applicant can't argue "this is just Phase 1" to avoid the rules. At the same time, it explicitly excludes ordinary accessory server rooms located inside an otherwise permitted use, which protects hospitals, offices, and industrial users from being unintentionally pulled into a data-center regime just because they have IT rooms. The logic is targeted regulation: catch the use that generates the externalities, don't drag in incidental building functions.

The "residential adjacency clarification" is an enforcement move. Instead of tying triggers only to zoning labels, it treats adjacency as either abutting a residential base district or abutting a property that contains a lawfully established residential use. That closes a predictable loophole where the zoning map and the lived condition don't match (nonconforming homes, split-zoned situations, or transitional areas). The practical logic is: if people live here, it functions like a residential edge and should be treated like one.

The "district-specific approval" subsection doesn't change the Use Table; it explains how to use it. It reinforces that when the table shows "S", a Special Use Permit is required, and it explicitly tees up the kinds of conditions that are most defensible and most useful – generator testing windows, buffering, equipment placement, acoustical mitigation. The logic is to make discretionary review focused on the handful of levers that actually reduce impact, rather than vague compatibility debates.

The separation and buffering rules are the first hard compatibility line. When a site touches a residential edge, the ordinance requires generators/mechanical yards to be set back and requires a Type D perimeter buffer. For the "Principal Use" category, the equipment setback is 150 feet; for the "with Energy Center" category, it increases to 200 feet. That difference is the policy judgement baked into the ordinance: an energy-center model has a higher probability of more intense operations and therefore warrants a wider separation at the most sensitive edge. The buffer requirement is the parallel visual and physical mitigation layer: even if a site can meet noise limits, the code still expects a strong perimeter condition when the use meets a residential area.

The measurement subsection is there because distance standards fail when nobody can agree on what they're measured from. This ordinance removes ambiguity by specifying that the relevant distances are measured from the nearest point of generators, cooling equipment, mechanical yards, or pads/foundations/enclosures to the nearest lot line – and it separately clarifies how to measure “to a residential base district.” The logic is clear administration and reduced appeals: everyone can replicate the measurement and get the same answer.

The equipment location and screening standards are a second compatibility line, and they're written to be enforceable rather than aesthetic. Requiring ground-mounted equipment and tanks to be at the side or rear, prohibiting fuel tanks between the building and a public street, and requiring screening under the existing screening standards pushes the most visually industrial pieces away from primary frontages and into managed service areas. The ordinance then removes a common “cheap screen” workaround by stating chain-link fence with slats does not count as screening. The logic is: if screening is required, it actually needs to screen. It also protects traffic safety by requiring screening not to obstruct sight triangles.

The loading/service orientation rule at residential edges is about preventing a specific, predictable nuisance: truck backing alarms, roll-up door activity, refuse service, and the “active” side of a service yard facing homes. The ordinance doesn't pretend every site can be perfect; it sets a clear default (don't face the residential edge), and if constraints make it infeasible, it still requires screening and design choices that reduce noise spillover. The logic is outcome-oriented: reduce the most common points of conflict without making sites impossible.

The yard enclosure trigger within 250 feet of a residential-abutting lot line is essentially a “last mile” protection. Even with setbacks and buffers, some sites will place equipment relatively near the edge due to geometry or phasing. Requiring an opaque fence or wall (with a defined height cap unless a security plan justifies more) creates a physical barrier that helps with both visibility and, in many cases, line-of-sight sound. Again, the ordinance closes loopholes by rejecting chain-link-with-slats as compliance and by keeping enclosures out of front yards unless the general fence rules allow it. The logic is consistency with the rest of the UDO while still demanding a real barrier where proximity makes it necessary.

The noise section is the centerpiece, because noise is the externality that most often drives complaints and enforcement costs. This ordinance makes a deliberate choice to hold data centers to the City's “Commercial or Business” noise limits and limited-audibility distance standards, measured at or beyond the property boundary. That's a clarity move and an equity move: it avoids inventing a bespoke noise regime in the UDO while still selecting a noise category that is stricter than industrial-style expectations. The ordinance then focuses on the most sensitive recurring event – routine generator testing – and limits it to weekdays during business hours, with holidays excluded, while carving out true emergencies. It also prohibits outdoor amplified sound except for life-safety emergencies and limits routine outdoor maintenance with powered equipment to the same weekday business window. The logic is to prevent the “worst moments” from occurring at the times residents experience as most intrusive (early morning, evenings, weekends) while preserving operational reliability and emergency response.

The acoustical submittal framework is designed to be proportional for the baseline principal-use category and mandatory for the energy-center category. For a standard principal facility, the ordinance uses a trigger-based “Acoustical Compliance Memorandum” that becomes required when risk is higher: when the project needs an SUP, when it touches residential, when it’s within 500 feet of residential zoning, when equipment is within 250 feet of any lot line, or similar proximity conditions. This is a workload-management logic: require technical proof when conditions suggest a higher probability of noncompliance or conflict; don’t force every low-risk site into a full study.

The content requirements for the Memorandum (and the Energy Center “Acoustical Study”) are specific on purpose: map sources, provide manufacturer data, model boundary sound levels, show compliance with the adopted noise standard, and identify mitigation measures that are actually incorporated into the site plan. That last part is critical. The ordinance isn’t satisfied with “we’ll mitigate later”; it ties mitigation to approved plans, requires installation before CO for the applicable phase, and requires maintenance for the life of the use. The completeness standard then gives the Administrator a clean gatekeeping tool: either the required elements are present and prepared by a qualified professional, or the submittal is incomplete, and the applicant is told what’s missing. The logic is enforceable administration: clear submittal expectations, clear approval threshold, and mitigation that becomes inspectable, not aspirational.

The post-construction verification requirement is what makes the whole noise framework real. Modeling can be accurate, but field conditions and vendor substitutions happen. This ordinance requires an actual boundary sound test report after continuous operations begin (and explicitly expects representative worst-case conditions, including at least one scheduled generator test event where generator testing is part of routine operations). If testing shows noncompliance, the owner must implement mitigation and retest. The logic is accountability: The City is not guessing; compliance is demonstrated in the environment where neighbors experience the impacts.

The remaining provisions are “no surprises” clauses that prevent misreadings and close operational gaps. The air quality clause makes clear the UDO isn’t rewriting state/federal emissions rules. The lighting clause ties security lighting to the City’s full cut-off and spill protections, so data center security needs don’t become a perpetual glare issue. The utility coordination submittal forces early documentation that PWC/other utilities have been engaged, which is a practical step to avoid late-stage infrastructure conflicts. And the 24-hour contact requirement is a classic operations-and-enforcement tool: when there is a complaint, the City and residents aren’t stuck chasing a corporate owner through a generic hotline; there is a responsible person who can respond quickly.

The “with Energy Center” section largely mirrors the baseline standards, but the differences are intentional signals about risk. It increases residential-edge separation, and it changes acoustics from “trigger-based memorandum” to a required Acoustical Study, full stop. That is the ordinance’s way of saying: once you add an energy center operational model, the City is not waiting to see whether a trigger happens—technical demonstration and post-construction confirmation are required because the probability and stakes of impact are higher.

