

Section 23.3 Table of Permitted Uses

The Table of Permitted Uses in this section sets forth the uses permitted within the base zone districts.

A. *Uses Permitted by Right*

A “P” indicates that a use is permitted as a matter of right in the respective zone district, subject to compliance with all applicable regulations in this Code.

B. *Conditional Special Uses*

A “C” indicates that a use category or specific use type is allowed only if reviewed and approved in accordance with the procedures and standards of Section [22.5](#), Use Permits.

C. *Ancillary Uses*

An “A” indicates that the use is permitted as ancillary to the primary uses within the district.

D. *Uses Not Allowed*

A blank cell indicates that a use type is not allowed in the respective zone district, unless it is expressly allowed by other regulations of this Code.

E. *Uses Subject to Specific Regulations*

1. Numbers in the final column of the Table of Permitted Uses indicate that the listed use is subject to use-specific regulations in one (1) or more districts in which the use is allowed, which can be found within Section [25.1.B](#), unless otherwise indicated.

[NOTE: The Table of Permitted Uses (next page) has been updated to add “Data Centers” as a use. Not all the uses in the Table are shown.]

		Single-Family									Multifamily				Commercial			Other			
USE CATEGORY	SPECIFIC USE TYPE	R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	S D H 6	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P	P O S	NOTES

COMMERCIAL USES

Service	Animal Services														P	P	P				25.1.B.2
	Commercial or Fine Arts Studio												P	P	P	P	P				
	DATA CENTER															C	C		C		25.1.B.7
																A	A		A		
	Daycare												C	C	P	P	P	P	A		25.1.B.8
	Drive-thru Uses, Not Including Banks														C	C	C				25.1.B.6 25.1.B.9
	Financial Services												C		P	P	P		A		
	Funeral Services															P	P				
	Household Services															P	P				

		Single-Family									Multifamily				Commercial			Other			
USE CATEGORY	SPECIFIC USE TYPE	R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	S D H 6	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P	P O S	NOTES
	Medical Services														C	P	P		P		
	Personal Services												P		P	P	P		A		
	Private Clubs Without Entertainment														P	P	P				25.1.B.23
	Private Clubs With Entertainment														C	C	C				25.1.B.10
	Self Storage																C		C		
	Senior Care Facility										P	P	P	P	P						25.1.B.28
	Sexually Oriented Businesses																C				25.1.B.29
	Technical Services															P	P		P		
	Theater															C	P				

Section 23.8 Property Development Standards for Nonresidential Districts

[NOTE: No changes to subsections A or B.]

C. C-1 Commercial District

1. Floor Area Limits

- a. Uses shall be no greater than sixty thousand (60,000) square feet of gross floor area per individual business.
- b. Expansions of uses beyond sixty thousand (60,000) square feet of gross floor area per individual business may be allowed with a conditional use permit.

2. Building Height

Architectural design features such as cornices, lintels, caps, parapets or other similar elements to vary the roof line or screen mechanical equipment may exceed this limitation by no more than ten (10) feet.

3. Courtyards and Pedestrian Malls

C-N standards apply. DATA CENTERS ARE EXEMPT FROM THE COURTYARD AND PEDESTRIAN MALL REQUIREMENTS.

D. C-2 Commercial District

1. Building Height

Architectural design features such as cornices, lintels, caps, parapets or other similar elements to vary the roof line or screen mechanical equipment may exceed this limitation by no more than ten (10) feet.

2. Courtyards and Pedestrian Malls

C-N standards apply. DATA CENTERS ARE EXEMPT FROM THE COURTYARD AND PEDESTRIAN MALL REQUIREMENTS.

[NOTE: No changes to subsection E.]

F. *T-P Technological Park District*

1. *Building Height*

a. Architectural design features such as cornices, lintels, caps, parapets or other similar elements to vary the roof line or screen mechanical equipment may exceed this limitation by no more than ten (10) feet.

2. *Ancillary Uses*

a. Ancillary uses may only be sited within a master planned development.

b. Ancillary uses shall be no greater than thirty percent (30%) of gross floor area per individual business, except that expansions may be allowed with a conditional use permit.

c. The gross floor area of ancillary uses, not contained within a primary use facility, is limited to no more than twenty percent (20%) of the total gross floor area of the development.

d. **ANCILLARY DATA CENTERS ARE SUBJECT TO THE STANDARDS IN SECTION 25.1.B.7.**

3. *Courtyards and Pedestrian Malls*

a. A portion of the development shall be oriented towards a landscaped courtyard or mall with seating areas and all or a portion of the required public art.

b. The courtyard or mall shall be a minimum of two percent (2%) of the net lot area of the site in square feet, which shall be considered to be part of the required open space.

c. **DATA CENTERS ARE EXEMPT FROM THE COURTYARD AND PEDESTRIAN MALL REQUIREMENTS.**

[NOTE: No changes to subsections G.]

SECTION 25.1.A. General Requirements for All Nonresidential Uses

[NOTE: No changes to subsections A.1 or A.2.]

3. Noise

a. A noise impact study is required as part of a development plan or tenant improvement for any use which may generate noise beyond the on-site property boundary. Uses which require a study include DATA CENTERS, drive-through restaurants, live entertainment at bars or restaurants, piped-in ambiance music, vehicle repair shops, vehicle washes or other similar uses as determined by the planning and zoning administrator.

[NOTE: No further changes to subsection A]

SECTION 25.1. B. Requirements for Specific Nonresidential Uses

[NOTE: No changes to subsections 1-6]

7. DATA CENTERS

a. STANDARDS FOR DATA CENTERS AS A PRIMARY USE

i. LOCATIONAL REQUIREMENTS

- a. DATA CENTERS SHALL BE A MINIMUM OF TWO HUNDRED FIFTY (250) FEET FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
- b. DATA CENTERS SHALL BE A MINIMUM OF FIVE HUNDRED (500) FEET FROM ANY PUBLIC PARK OR SCHOOL.
- c. THE ABOVE DISTANCES SHALL BE MEASURED FROM THE ABUTTING EDGE OF THE RESIDENTIAL PROPERTY TO THE CLOSEST PROPERTY LINE OR LEASE LINE OF THE DATA CENTER USE. THE LIMIT OF THE PROPERTY LINE OR LEASE LINE SHALL INCLUDE ALL REQUIRED PARKING, LANDSCAPING, AND SETBACKS OF THE SPECIFIC DATA CENTER USE.
- d. THE ABOVE DISTANCES MAY BE REDUCED BY TOWN COUNCIL WHEN MAJOR BARRIERS EXIST TO MITIGATE IMPACTS ON ADJACENT RESIDENTIAL, PUBLIC PARK OR SCHOOL PROPERTIES. MAJOR BARRIERS

INCLUDE BUILDINGS, TOPOGRAPHICAL FEATURES (E.G., HILLSIDES) AND ARTERIAL ROADWAYS.

ii. WATER

- a. THE USE OF POTABLE WATER FOR COOLING, HUMIDITY CONTROL OR OTHER SIMILAR USES IS DEPENDENT ON THE PROPOSED DEMAND AND SUBJECT TO THE WATER UTILITY DIRECTOR RECOMMENDATION AND TOWN COUNCIL APPROVAL AS PART OF THE CONDITIONAL USE PERMIT.
- b. A WATER USE AND CONSERVATION PLAN SHALL BE PROVIDED WITH THE FOLLOWING INFORMATION:
 1. THE TYPE OF COOLING SYSTEM. A COOLING SYSTEM THAT CONSERVES WATER AND MINIMIZES WASTE TO THE GREATEST EXTENT POSSIBLE, IS REQUIRED.
 2. THE ESTIMATED TOTAL AMOUNT OF WATER, IN ACRE FEET, THAT WILL BE USED ANNUALLY.
 3. THE ESTIMATED WATER USE, IN GALLONS, FOR THE PROPOSED PROJECT DURING A TYPICAL 24-HOUR OPERATIONAL PERIOD UNDER NORMAL CONDITIONS AND THE MAXIMUM EXPECTED DURING THE HIGHEST WATER CONSUMPTION DAY.
 4. A FORMAL DETERMINATION FROM THE WATER PROVIDER CERTIFYING CAPACITY AND ACCESS TO AN ADEQUATE WATER SUPPLY.

iii. ENERGY

- a. DATA CENTERS THAT REQUIRE MORE THAN 20 MEGAWATTS (MW) OF POWER ARE PROHIBITED. THIS LIMIT APPLIES TO AN INDIVIDUAL BUSINESS OR PARCEL OR THE CUMULATIVE AMOUNT FROM MULTIPLE BUILDINGS OR PARCELS THAT ARE ADJACENT OR INTERCONNECTED WITH ONE ANOTHER.

- b. THE FOLLOWING INFORMATION SHALL BE PROVIDED AT THE TIME OF APPLICATION SUBMITTAL TO ENSURE COMPLIANCE WITH SUBSECTION A.iii.a:

1. THE ESTIMATED ANNUAL AND MONTHLY DEMAND FOR ELECTRIC OR NATURAL GAS UTILITY SERVICES.
2. AN ASSESSMENT OF FUTURE ENERGY NEEDS FOR THE PROPOSED PROJECT.
3. A FORMAL DETERMINATION FROM THE UTILITY PROVIDER(S) CERTIFYING CAPACITY AND ACCESS TO AN ADEQUATE ENERGY SOURCE.

- c. AN ANNUAL REPORT VERIFYING THE AMOUNT OF POWER USED IS REQUIRED FOR FIVE (5) YEARS FOLLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

AFTER FIVE (5) YEARS, THE PLANNING AND ZONING ADMINISTRATOR MAY REQUEST A REPORT DUE TO CHANGES IN OWNERSHIP, COMPLAINTS, AND/OR VERIFICATION OF ONGOING COMPLIANCE.

iv. *DESIGN STANDARDS*

DATA CENTERS SHALL UTILIZE ARCHITECTURAL STYLES AND FENESTRATION EQUIVALENT TO THOSE OF AN OFFICE OR EMPLOYMENT CENTER AS DESCRIBED IN ADDENDUM A, SECTION 2.2.

v. *NOISE*

IN ADDITION TO THE REQUIREMENTS IN SUBSECTION A.3, THE FOLLOWING IS REQUIRED:

- a. A POST-CONSTRUCTION NOISE STUDY IS REQUIRED BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED.
- b. AN ANNUAL NOISE STUDY CONDUCTED DURING PEAK ROUTINE OPERATIONS FOR FIVE (5) YEARS FOLLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

AFTER FIVE (5) YEARS, THE PLANNING AND ZONING ADMINISTRATOR MAY REQUEST A NOISE STUDY DUE TO CHANGES IN OWNERSHIP, COMPLAINTS, AND/OR VERIFICATION OF ONGOING COMPLIANCE.

c. ALL GENERATORS ASSOCIATED WITH A DATA CENTER SHALL MEET THE FOLLOWING:

1. GENERATORS SHALL BE LOCATED AND ORIENTED AWAY FROM ANY PROPERTY USED OR INTENDED FOR RESIDENTIAL PURPOSES.
2. EXCEPT FOR TESTING, GENERATOR USE SHALL BE LIMITED TO BACKUP/EMERGENCY USE ONLY.
3. GENERATOR TESTING SHALL BE LIMITED TO WEEKDAYS BETWEEN 8:00 AM AND 5:00 PM.
4. GENERATORS SHALL BE SCREENED IN COMPLIANCE WITH ADDENDUM A, SECTION 2.2.F. AND SECTION 27.6.C.5.
5. VERIFICATION THE GENERATOR MEETS ALL STATE AND FEDERAL AIR POLLUTION REQUIREMENTS SHALL BE PROVIDED PRIOR TO INSTALLATION.

b. *ANCILLARY USE*

i. DATA CENTERS SHALL BE PERMITTED AS AN ANCILLARY USE IF THEY:

- a. OCCUPY NO MORE THAN 10% OF THE TOTAL GROSS FLOOR AREA OF A BUILDING ON THE SITE.
- b. EXCLUSIVELY SERVE THE ENTERPRISE FUNCTIONS OF THE ON-SITE PROPERTY OWNER OR TENANT.
- c. DO NOT LEASE DATA STORAGE OR PROCESSING SERVICES TO THIRD PARTIES.
- d. ARE NOT HOUSED IN A SEPARATE STAND-ALONE STRUCTURE ON THE PARCEL.

ZONING CODE AMENDMENTS TO CHAPTER 23, CHAPTER 25, CHAPTER 27 AND CHAPTER 31. ADDITIONS SHOWN IN ALL CAPS WITH DELETIONS SHOWN WITH A STRIKETHROUGH.

[NOTE: No further changes to Section 25.1.B. except all subsequent uses need to be renumbered.]

SECTION 27.7 OFF-STREET PARKING

[NOTE: No changes to subsection A-D.1.]

2. Nonresidential Parking Requirements

The table below sets forth the number of required parking spaces for nonresidential uses within the Town.

Table 27-14. Required Parking Spaces

Permitted Use	Parking Spaces/Square Feet (Unless Otherwise Noted)
Animal services	4.5/1,000
Commercial or fine arts studio	3/1,000
DATA CENTER	1/EMPLOYEE DURING LARGEST SHIFT
Daycare	0.75/employee and 3/1,000
Drive-thru uses, not including banks	See Table 27-15
Financial services	3.5/1,000
Funeral services	1 per 4 seats and 2 per 3 employees
Household services	0.75/employee and 4/1,000 for public use areas
Medical services	4.5/1,000
Personal services	0.75/employee and 4/1,000 for public use areas
Private clubs without entertainment	10/1,000
Private clubs with entertainment	10/1,000
Self-storage	1 per 50 units

ZONING CODE AMENDMENTS TO CHAPTER 23, CHAPTER 25, CHAPTER 27 AND CHAPTER 31. ADDITIONS SHOWN IN ALL CAPS WITH DELETIONS SHOWN WITH A STRIKETHROUGH.

Senior care facility	See Table 27-16
Sexually oriented businesses	4/1,000
Technical services	4/1,000
Theater	1/3 seats
Gas stations	8/1,000

[NOTE: No further changes to Section 27.7]

CHAPTER 31: DEFINITIONS

[NOTE: No changes to any other definitions]

DATA CENTER

A FACILITY OR PORTION OF A FACILITY HOUSING NETWORKED COMPUTER SYSTEMS AND ASSOCIATED COMPONENTS, TELECOMMUNICATIONS EQUIPMENT AND/OR RELATED INFRASTRUCTURE USED FOR REMOTE STORAGE, PROCESSING, MANAGEMENT, OR DISTRIBUTION OF DATA.

Technical Services

An establishment providing services to businesses or individuals of a technical nature, including mail service, printing, photocopying, ~~data~~ and computer access centers.