

ORDINANCE NO. 5033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING ARTICLES II. DEFINITIONS, AND XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS OF CHAPTER 35 OF THE CITY CODE OF THE CITY OF CHANDLER, RELATING TO DATA CENTERS.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days' notice of time, date and place of public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on October 19, 2022.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Section 35-200, of Article II. Definitions, of Chapter 35 of the City Code of the City of Chandler, is hereby amended by adding the following definition:

Data Center: A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data.

Section 2. Section 35-2214, of Article XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS, of Chapter 35, of the City Code of the City of Chandler, is hereby added to read as follows:

35-2214. Data Centers.

- (1) Data Centers are not permitted to operate in the City of Chandler unless explicitly approved as part of a Planned Area Development zoning district. Data Centers that are ancillary to another primary use are permitted if they a) occupy no more than ten percent of the building footprint, b) are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties, and c) are not housed in a separate stand-alone structure on the parcel.
- (2) Before a Data Center is constructed within a Planned Area Development zoning district, the property owner proposing to build a Data Center must comply with the following:

- a. The Data Center operator or property owner must notify residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius, that the property owner intends to build and operate a Data Center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed Data Center will be built.
 - b. The Data Center operator must schedule and attend two neighborhood meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design. Notice of the neighborhood meetings must be mailed to all residents and homeowners associations within a half-mile radius of the parcel. A representative of the developer or owner with decision-making authority on the design of the Data Center must attend the neighborhood meetings. The Data Center operator or property owner must also post a sign on the subject property, at least fifteen days before each neighborhood meeting, in accordance with design standards specified in Section 35-2601.1. The sign must be located along an arterial street or other high-visibility location as reasonably determined by the Zoning Administrator. The content of the sign shall (i) be consistent with the City's generally applicable sign guidelines for posting signs for notification of neighborhood meetings, (ii) include the applicant name and contact information, a brief description of the Data Center project, and the date, time, and location of the neighborhood meeting, and (iii) must be reviewed and approved by the Zoning Administrator before installation. The applicant must remove the sign at the conclusion of the citizen review process.
- (3) Upon request by City staff after issuance of a certificate of occupancy and commencement of the operation of the Data Center, the operator of a Data Center must provide an on-site neighborhood liaison between the hours of 8:00 am and 10:00 pm MST each day to respond to complaints about noise emanating from the Data Center.
 - (4) Before the first neighborhood meeting is held, the property owner proposing to build a Data Center must conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator. The property owner must provide a copy of the results of the study to the City before the first neighborhood meeting.
 - (5) The Data Center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the Data Center (as determined by a third-party acoustic

engineer) from exceeding the ambient noise levels that were observed in the baseline study. Design specifications for such sound mitigation must be provided to the City before building permit approval.

- (6) Upon issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the Data Center operator must conduct a noise study performed by a third-party acoustical engineer to document noise levels emanating from the Data Center measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator during peak operation of the Data Center mechanical equipment. The Data Center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator, annually during peak operation of the Data Center mechanical equipment for five years after completion of the initial post-construction noise study. The Data Center operator must provide the results of the noise study to the City within thirty days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the City.
- (7) If the Data Center operator intends to use backup power generators on the parcel, the operator must maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, must be announced on the website at least twenty-four hours in advance. The operator shall also notify the City of Chandler Communications and Public Affairs Department at least 24 hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays. Upon request by City staff, the Data Center operator must provide the address of the website where the notices required by this section are published.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

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

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 5 day of December, 2022.

ATTEST:

Dana R. DeLong
CITY CLERK

Kevin Harbke
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 8 day of December, 2022.

ATTEST:

Dana R. DeLong
CITY CLERK

Kevin Harbke
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5033 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 8 day of December, 2022, and that a quorum was present thereat.

Dana R. DeLong
CITY CLERK

APPROVED AS TO FORM:

Thom Allen
CITY ATTORNEY

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REFERENCED EXHIBIT(S) AND/OR ATTACHMENT(S) ON FILE AT THE CITY CLERK'S OFFICE.