

Sec. 114-1. - Definitions.

*Craft brewery, winery and distillery* means a type of brewery, winery or distillery wherein the area of the establishment devoted to the production of malts and liquors may not exceed 10,000 square feet in commercial zone districts or 20,000 square feet in industrial zone districts. The establishment may include a tasting room and may also include office, retail, eating and drinking establishment or event facility components in addition to the area devoted to the production of malts and liquors.

Cryptocurrency Mining means the process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of crypto are released, through the use of data centers. This definition does not include use of not more than five computers from which cryptocurrency is mined in an enclosed structure, provided the cryptocurrency is not mined for commercial purposes.

Data Center means a facility consisting of buildings or structures specifically designed or modified for storage, management, processing, and/or transmission of digital data. This includes *Cryptocurrency Mining*. Such facilities may include high-density computer and/or network equipment, systems, servers, appliances, air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations. Administrative areas and offices for the purpose of supporting the primary activity may be located within the buildings.

*Decorative lighting* means any lighting that is intended t...

Sec. 114-191. - P-1, Professional Offices District.

(a)Principal uses. Principal uses permitted in the P-1, Professional Offices District are as follows:(1)Offices for business, professional, governmental, civic, insurance or other groups.(2)Credit agencies, brokers, travel agencies, ~~computer or data processing centers~~, real estate offices, finance, photography studios, law offices.

Sec. 114-353. - Permitted uses.

Uses permitted in the MX, Mixed-Use District are as follows:

(1)Offices for brokers, businesses, ~~computers, data processing~~, credit agencies, finance, government, law, medical, photography, real estate and travel agencies.

Sec. 114-199. - M-2, General Manufacturing District.

(d)Special exceptions. Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the M-2 district as follows:(1)Any use, except as set forth in subsection (c) of this section, in the opinion of the board of zoning appeals.

(2)Cryptocurrency Mining and Data Centers, provided that upon findings of fact that all of the following criteria are met:

- a. A perimeter minimum yard of 100 feet;
- b. All digital data operations use shall be conducted in a completely enclosed building;
- c. All facilities shall not be located within 500 feet of any residential use or district. This includes any zoning district that permits single-family residences or dwellings. The measurement shall be made from the nearest property line or zoning line of the residential use or district, whichever is closer, to the nearest property line of the property that contains the data center use;
- d. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a data center shall be limited to a maximum decibel level of 60 (dBA) as measured from the property line of the use. Such sound study shall be conducted using generally accepted methodology. A sound study shall be conducted at the following phases:
  - 1. A preliminary study shall be conducted and supplied as part of the special exception application process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the required sound limit.
  - 2. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the data center uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.
  - 3. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this ordinance.
- e. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the data center or associated equipment will be perceptible to the human sense of feeling beyond the property line.

The same as for subsection (a)(2) of this section.

(5) d. Manufacturing, industry, and related uses: Within these districts the board of zoning appeals may waive the requirements for on-site or contiguous parking and loading providing it finds that sufficient space is provided in the immediate area, under public or private ownership, or other compelling reasons exist.

e. Data Center: one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.

\*\* Below starts the accessory use text additions beginning with the B-2 zone\*\*

Sec. 114-194. - B-2, Central Business District

(c) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the B-2 district as follows: communication facilities and facilities with drive-throughs with a weekday peak hour volume of 30 vehicles or greater per 1000 square feet (per the 8<sup>th</sup> edition ITE Traffic Generation Manual), as measured for the entire site; data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.

Sec. 114-203. - B-2E, Central Business Edge District.

(c) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the B-2E district as follows: communication facilities and facilities with drive-throughs with a weekday peak hour volume of 30 vehicles or greater per 1000 square feet (per the 8<sup>th</sup> edition ITE Traffic Generation Manual), as measured for the entire site; data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.

Sec. 114-195. - B-3, Highway Oriented Business District

(c) *Special exceptions.* Special exceptions are permitted only with approval of board of zoning appeals and are as follows: (1) Automobile storage; automobile impoundment yards. (2) Lumberyards. (3) Data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.

DIVISION 3. - PLANNED BUSINESS DISTRICT (B-4P)

Sec. 114-227. - Special exceptions.

Permitted only with approval of board of zoning appeals: Helistops; institution for human care; open-air businesses such as plant sales, lawn furniture, playground equipment, and garden supplies; minor automobile repair centers; and parking lots and structures; data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.

## DIVISION 9. - BUSINESS CONFERENCE CENTER DISTRICT (BC)

### Sec. 114-382. - Special exceptions.

Certain uses may be permitted in the Business Conference Center District upon the granting of a special exception by the board of zoning appeals:

- (1)Elderly and child day care, nursery schools and kindergartens, elderly day care.
- (2)Helistops and pay parking lots, when not objectionable due to noise, odor, dust, smoke, vibration or other reasons.
- (3)Recreational facilities, health clubs, golf courses, golf driving ranges, stadiums and civic fairs.
- (4)Telecommunication facilities such as cell towers.
- (5)Outside storage yards; storage yards for vehicles exceeding a gross vehicle weight rating of 15,000 pounds and construction equipment are prohibited.
- (6)Hospital and health care centers.
- (7)Parking structures.

(8) data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.

### Sec. 114-192. - TA/C Tourist Accommodation/Commerce District.

(d)Special Exceptions. Special exceptions are permitted only with the approval of the board of zoning appeals and are as follows:

- (1) Franchised Auto dealership.

(2) data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.

### Sec. 114-191. - P-1, Professional Offices District.

(c)Special exceptions. Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the P-1 district as follows:

- (1)Offices of veterinarians, animal hospitals.
- (2)Hospitals, rest or convalescent homes.
- (3)Group homes.

(4) Communication facilities.

(5) Golf courses.

(6) Medical or dental offices, clinics provided that upon findings of fact that all of the following criteria are met:

- a. The use will not be located within 1,000 feet of a public or private school, day care facility, park, any area devoted to public recreation activity or a residential dwelling. Measurements shall be made in a straight line on the city zoning map from the nearest property line of the lot on which the facility is situated to the nearest property line of any of the uses set forth in this subsection;
- b. The use will be designed, located, and proposed to be operated so that the health, safety and welfare will be protected;
- c. The use will not be detrimental to and will not injure, damage or adversely affect the use, value or enjoyment of the properties in the surrounding neighborhood;
- d. The use will not have an adverse impact on land use compatibility;
- e. The use will not materially or adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed use;
- f. Adequate public facilities are available to accommodate the use;
- g. The traffic generated by the use will be safely accommodated along major streets without traversing minor streets;
- h. The use will maintain appropriate traffic patterns and parking as to not strain existing facilities with substantial increases in traffic and projected trip generations;
- i. The use will conform to all applicable provisions of the district and will not require any variances.

(7) data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.

## DIVISION 8. - MIXED-USE DISTRICT (MX)

### Sec. 114-355. – Special Exceptions

Data centers no larger than a total accumulative allotment of 2,000 sq. ft. net floor area in size as an accessory use strictly operated in support of the primary business on the same property. When data centers as accessory uses are considered, cryptocurrency mining must not be an element of the accessory data center proposal.