

Item

Consider various amendments (ZCA-31) to the City of Tulsa Zoning Code relating to **Data Centers** and the **River Design Overlay** in the following sections: Section 20.050 RDO, River Design Overlays, Section 20.050-A General, Subsection 4. Exemptions, and Subsection 7. Modifications to RDO Regulations; Section 35.070 Industrial Use Category, Section 35.070-A Low-impact Manufacturing and Industry, and add Subsection 4. Data Center; Section 40.420 Wireless Communication Facilities, Section 40.420-E General Requirements; and Section 55.050 Parking Exemptions and Credits, add Section 55.050-M Data Centers

Background- Data Center

On December 20, 2023, City Council adopted an ordinance approving a rezoning to Industrial-Light (IL) for construction of a data center and related uses on a 340-acre property located south and west of the intersection of East 11th Street South and the Creek Turnpike, known as Project Anthem. Earlier this year, the City Council adopted a Tax Incentive District (TID) to support Project Anthem.

During conversations with the Project Anthem team over the past couple of years, they expressed the desire to create a definition for data center in the zoning code to more accurately reflect their unique operations, as well as amend other provisions in the zoning code related to parking and wireless communication facilities. Planning Office and City Legal have worked with the Project Anthem representative to develop a definition and associated regulations that are appropriate to their use and the City of Tulsa Zoning Code.

Project Anthem representative contacted Councilor Bengel who agreed to sponsor this item for Council consideration of adding the proposed amendments related to Data Centers in the City of Tulsa Zoning Code. The Council voted unanimously to initiate this proposed amendment on August 7th, 2024.

Background- River Design Overlay

The City Council adopted the River Design Overlay in 2016 and applied the overlay to certain properties within the river corridor. Since 2016, it has been identified by a large property owner that some of the specific design regulations may not work when literally applied to larger properties. There was some recognition of this circumstance in the text originally adopting the overlay by exempting large properties from certain standards. Now there is a desire to exempt properties 20 acres or more from the standards in the RDO if the development is in a Master Plan Development (MPD) and meets the purpose and intent of the River Design Overlay, as described below:

“The RDO, River Design Overlay regulations of this section establish regulations governing form, function, design and use for properties located within the boundaries of the River Design Overlay district. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. The regulations are also intended to:

- a. Support and enhance the river corridor as a lively people-oriented destination, connecting nodes of high-quality development with parks and open spaces;*
- b. Protect the city's investment as well as the investments of property owners, developers and others who enjoy the benefits of the Arkansas River corridor;*
- c. Encourage development that enhances the appearance of the Arkansas River corridor and the surrounding area;*
- d. Ensure development and redevelopment that is sensitive to the area's natural resources and environmental qualities;*
- e. Establish the area as an interconnected, pedestrian-oriented, cultural and recreational destination, attracting both residents and visitors to the Arkansas River; and*
- f. Foster a sense of community and civic pride.*

A property owner representative contacted Councilor Cue who agreed to sponsor this item for Council consideration to add the proposed River Design Overlay amendments in the City of Tulsa Zoning Code. The Council voted unanimously to initiate this proposed amendment in August 28th, 2024.

Staff Recommendation

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in the attachment

Attachment

- Proposed amendments to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, shown in ~~strike through~~/underline

Chapter 20 | Overlay Districts

Section 20.050 RDO, River Design Overlays

20.050-A General

4. Exemptions

g. MPD-zoned properties with a contiguous area of 20 acres or more are exempt from compliance with all of the RDO regulations of this section (Section 20.050), provided that MPD development plans and site plans for such properties must be consistent with the purpose and intent of the RDO district, as stated in Section 20.050-A.1.

7. Modifications to RDO Regulations

~~d. The regulations of an RDO district may not be varied or modified through approval of or amendment of a Master Planned Development (MPD) district that applies to property with a contiguous area of less than 20 acres. MPD-zoned properties with a contiguous area of 20 acres or more are exempt from the RDO regulations of this section (Section 20.050), as stated in Section 20.050-A.4.g. except that in an MPD with a minimum area of 20 acres, the build-to-zone regulations in Table 20-2 may be modified. If the build-to-zone in the MPD is modified, the MPD must demonstrate activation along the trail and/or street edge through the use of other principles of the RDO. The MPD must meet all other RDO provisions and remain consistent with the purpose and intent of both the RDO and the MPD.~~

Chapter 35 | Building Types and Use Categories

Section 35.070 Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

35.070-A Low-impact Manufacturing and Industry

Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana products, such as edibles and pre-rolls, using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, data centers, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

1. Microbrewery

An establishment in which beer or malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 gallons) of beer and malt beverages per calendar year. Where allowed by law, microbreweries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

2. Micro Distillery

A distillery producing distilled spirits in total quantity of no more than 40,000 proof gallons per calendar year. Where allowed by law, micro distilleries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

3. Low-impact Medical Marijuana Processor

A medical marijuana processor issued a nonhazardous processor license by the Oklahoma Medical Marijuana Authority.

4. Data Center

A facility or facilities used to house, and in which are operated, maintained and replaced from time to time, computer systems and associated components, including but not limited to telecommunications and storage systems, cooling systems, power supplies and systems for managing electrical and mechanical performance, and equipment used for the transformation, transmission, distribution and management of electricity for on-site uses, internet-related equipment, data communications connections, private communication towers, environmental controls and security devices.

Chapter 40 | Supplemental Use and Building Regulations

Section 40.420 Wireless Communication Facilities

40.420-E General Requirements

All towers and antennas are subject to the general requirements of this subsection unless otherwise expressly stated.

1. Towers may be considered either principal or accessory uses. Another principal or accessory use on the same lot does not preclude the installation of a tower on that lot.
2. Towers and antennas are subject to all of the following requirements:
 - a. Towers and antennas must be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities, such as the Federal Aviation Administration.
 - b. Except in IL, IM and IH zoning districts, communication towers must be of a monopole design unless the board of adjustment approves, by special exception, an alternative design that they determine would better blend into the surrounding environment or that the required antennas cannot be supported by a monopole.
 - c. Towers that are accessory to a data center use shall not exceed 100 feet in height and shall not be located within 200 feet of the property boundary, unless the board of adjustment approves, by special exception, such additional height and/or location.
 - d. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that closely matches or complements the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

Chapter 55 | Parking

Section 55.050 Parking Exemptions and Credits

55.050-M Data Centers

Minimum parking for data centers shall be provided as follows:

1. Office area: 1 space per 1,000 square feet; and
2. Warehouse/storage/technology equipment area: 0.15 space per 1,000 square feet.