

*EXHIBIT A TO MARANA RESOLUTION NO. 2024-xxx
Amendments to Marana Town Code, Title 17 “Land Development” pursuant to Marana
Ordinance No. 2024.xx*

SECTION 1. Section 17-1-6 (Definitions) of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

17-1-6 Definitions

A. The following definitions are used in this title, unless a different meaning is clearly indicated by the context or by a more specific definition:

[No revisions to subparagraphs 1 through 54]

55. Data center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. Examples of such digital data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, and genome sequencing. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center.

[No revisions to existing subparagraphs 55 through 222 which are hereby renumbered as subparagraphs 56 through 223 to conform]

[No revisions to paragraphs B and C]

SECTION 2. Chapter 17-4 “Zoning” of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

[No revisions to section 17-4-1]

17-4-2 Use matrix

A. Table 2 (use matrix) identifies the permissiveness of uses in all residential zoning groups and zoning districts other than the mixed-use districts and the SP zone. (Uses for the mixed-use districts are set forth in the mixed-use zoning district use matrix found at table 8.)

B. The notations in table 2 have the following meanings:

1. "P" means the use is permitted subject to design standards.
2. "A" means the use is permitted as an accessory use located on the same lot with a permitted use.
3. "C" means the use is allowed upon approval of a conditional use permit (see section 17-3-2).
4. "U" means the use is allowed upon meeting the conditions set forth in table 3 below.
5. "T" means the use is allowed upon approval of a temporary use permit (see section 17-3-3).
6. "X" means the use is prohibited.

[No revisions to paragraph C]

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Table 2. Use matrix (only amendments to Table 2 are shown; the remainder of Table 2 is unchanged)

Uses	AG	RA	ER	NR	GR	MR	RR	NC	VC	LI	HI
Industrial											
<u>Data center</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>	<u>A</u>

[No revisions to sections 17-4-3 through 17-4-7]

17-4-8 Industrial zoning districts

[No revisions to paragraphs A through D]

E. Data centers. As provided in section 17-6-13, data centers are not permitted to operate in the town as a principal use unless approved in a specific plan or specific plan amendment explicitly created or amended for the purpose of data center development and adopted through the rezoning process set forth in section 17-3-1 and as described in section 17-4-15 (Specific plan (SP)). Data centers are permitted as an accessory use in the LI and HI zoning districts when all of the following are true:

1. The data center occupies no more than 15% of the site.
2. The data center is used to serve the enterprise functions of the on-site property owner and is not used to lease data storage and processing services to third parties. For purposes of this subparagraph “on-site property owner” includes an owner that owns the property and is the parent company of the company or companies on-site.
3. The data center complies with any applicable development standards for accessory use data centers, as set forth in section 17-6-13.

[No revisions to existing paragraph E which is hereby re-lettered to paragraph F to conform]

[No revisions to sections 17-4-9 through 17-4-15]

17-4-16 Legacy zones

A. The zoning districts set forth in sections 17-4-17 through 17-4-26 below are legacy zones. The legacy zones consist of zoning districts that currently exist within the town limits, but that are intended to be phased out over time. Each of these zoning designations is intended to be deleted when no land in the town has that zoning designation. The town will not rezone land to any of these legacy zone districts.

B. Notwithstanding any language in sections 17-4-17 through 17-4-26 permitting commercial and industrial uses in the legacy zones, as provided in section 17-6-13, data centers are not permitted to operate in the town as a principal use unless approved in a specific plan or specific plan amendment explicitly created or amended for the purpose of data center

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development and adopted through the rezoning process set forth in section 17-3-1 and as described in section 17-4-15 (Specific plan (SP)).

C. Data centers are permitted as an accessory use in the legacy zoning districts when all of the following are true:

1. The data center occupies no more than 15% of the site.
2. The data center is used to serve the enterprise functions of the on-site property owner and is not used to lease data storage and processing services to third parties. For purposes of this subparagraph “on-site property owner” includes an owner that owns the property and is the parent company of the company or companies on-site.
3. The data center complies with any applicable development standards for accessory use data centers, as set forth in section 17-6-13.

[No revisions to sections 17-4-17 through 17-4-26]

SECTION 3. Chapter 17-6 “General and Miscellaneous Development Regulations” of the Marana Town Code is hereby revised by adding new section 17-6-13 (Data centers) as follows:

17-6-13 Data centers

- A. Data centers are not permitted to operate in the town as a principal use unless approved in a specific plan or specific plan amendment explicitly created or amended for the purpose of data center development and adopted through the rezoning process set forth in section 17-3-1 and as described in section 17-4-15 (Specific plan (SP)). Subject to the requirements of this section 17-6-13, a specific plan may authorize data center development in a specific geographic area or region of a larger specific plan area.
- B. In addition to the requirements of section 17-4-15(C), an application for a specific plan or a specific plan amendment for the purpose of data center development shall include the following information:
 1. The baseline noise study and noise contour exhibit required by paragraph G below.
 2. The intended source of electric power for the development and documentation from the electric utility provider affirming sufficient power exists to serve the site.
 3. An assessment of future energy needs for the site.
 4. An estimate of annual water consumption for the site.
 5. The intended source of water for the development, and documentation from the water provider affirming sufficient water resources exist to serve the site.
 6. An explanation regarding how the development complies with each of the requirements of this section 17-6-13; or, if the applicant requests that the council waive a requirement or requirements, an explanation as to why compliance with the requirement(s) is not feasible.

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- C. The minimum requirements of this section 17-6-13 shall apply to any data center operated as a principal use unless the council waives a requirement or requirements during the specific plan rezoning process. In addition to these minimum requirements, the town may impose additional or more stringent site-specific requirements or regulations during the specific plan rezoning process, provided that the site-specific requirements or regulations are reasonably related to the impact of the development.
- D. The minimum requirements of this section shall apply to any data center operated as an accessory use only where indicated.
- E. The minimum requirements of this section that are based on the planned or zoned property uses of adjacent properties shall be established based on the planned or zoned uses at the time of the specific plan rezoning process.
- F. The provisions of this section are intended to supplement the requirements of this code. If any provision of this section is found to be in conflict with any other provision of this code, the provision that establishes the higher or more restrictive standard shall prevail.
- G. Noise Attenuation. The developer of a data center to be operated as either a principal or an accessory use must conduct a noise study performed by a qualified third-party acoustic engineer to document baseline sound levels in the area of the proposed data center and to produce a noise contour exhibit depicting the anticipated noise levels to be generated by the data center.
 - 1. For purposes of this section 17-6-13:
 - a. “dBA” means the sound pressure level in decibels as measured on a sound level meter using the A weighted filter network. The A weighted filter network is designed to simulate the response of the human ear. The A weighted sound level is expressed by the symbol “dBA.”
 - b. “Daytime” means 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on Saturdays, Sundays, and legal holidays observed by the town.
 - c. “Nighttime” means 7:00 p.m. to 7:00 a.m. on weekdays, and 8:00 p.m. to 9:00 a.m. on Saturdays, Sundays, and legal holidays observed by the town
 - 2. Any noise which emanates from any operation, activity, or source on a data center site, including, but not limited to, heating and cooling system(s), shall not exceed the maximum permissible sound levels set forth in Table 2 (Maximum sound levels for data center operation) measured at the property line of the property affected by the noise.

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Table 2. Maximum sound levels for data center operation	
Planned or zoned use of affected property	Maximum dBA Daytime/Nighttime
Residential and mixed-use	55/55
Agricultural	60/55
Commercial	65/60
Industrial	72/65

3. Notwithstanding the provisions of Table 2 above, any person performing site construction work in compliance with section 11-5-4 (Construction noise; extended work permits) shall not be subject to the maximum sound levels set forth in Table 2 above.
4. 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 qualified third-party acoustic engineer, from exceeding the maximum sound levels set forth in Table 2. Design specifications for the required sound mitigation must be provided to the town before building permit approval.
5. Before issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the data center operator must conduct a post-construction noise study performed by a qualified third-party acoustic engineer to document sound 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 post-construction noise study must demonstrate that sound levels do not exceed the maximum sound levels set forth in Table 2. If sound levels exceed the maximum sound levels set forth in Table 2, the town will issue a temporary certificate of occupancy until the data center operator demonstrates that the required sound mitigation is achieved. If the data center operator is unable to demonstrate compliance with the sound levels set forth in Table 2 before expiration of the temporary certificate of occupancy, the town will not issue a permanent certificate of occupancy.
6. 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 and when requested by the town thereafter. The data center operator must provide the results of the noise study to the town within 30 days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the town. If sound levels exceed the maximum sound levels set forth in Table 2, the data center operator shall take appropriate steps to achieve the required sound mitigation.

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- H. Water. The Marana water department will not provide potable water to a data center (principal or accessory use) for its cooling system, humidity control, and other similar operations. The developer must demonstrate an alternate source of water for these operations.
- I. Site Design Standards. The site design standards in Table 3 (Site design standards for data center development) apply to the development of land that will accommodate data centers, as well as the placement of buildings on a given site. The standards are intended to help minimize the physical, environmental, and visual impacts of data centers on adjacent development.

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Table 3. Site design standards for data center development	
Site design standard	Requirements
Building placement and orientation	<p>Buildings shall orient principal façades, including visitor, staff and administrative entrances, to primary adjacent roads.</p> <p>Loading docks and service entries of buildings shall not face or be visible from public rights-of-way. When possible, existing buildings may be used to screen loading docks. Where building locations do not offer screening, and in the case of phased development plans, screening of loading docks and service entries shall be accomplished by existing or proposed landscaping, fencing, walls, or similarly effective methods.^Δ</p> <p>Loading docks are permitted on only one side of the building.^Δ</p> <p>Refuse collection areas must be fully screened on all four sides.^Δ</p>
Lighting ^Δ	Must comply with the town of Marana lighting code.
Lot coverage	No maximum
Setbacks	<p>Any data center building, equipment for cooling, ventilating, or otherwise operating the facility, power generator, or other power supply equipment must be located:</p> <ul style="list-style-type: none"> • At least 400 feet from the property line of any adjacent property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator ^Δ • At least 100 feet from the property line of any adjacent property that is planned or zoned for any use other than residential or industrial uses
Generators ^Δ	<p>Generators and generator use must be in compliance with all applicable state and federal regulations.</p> <p>If a data center uses diesel generators, only tier IV or newer generators are permitted.</p> <p>Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.</p> <p>Generator testing shall be limited to weekdays between 8:00 a.m. and 5:00 p.m., except in emergencies</p>

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Table 3. Site design standards for data center development	
Site design standard	Requirements
Screening of mechanical equipment and substations ^A	<p>Substations and mechanical equipment shall be screened from public and private rights-of-way (except for private rights-of-way that are within the data center site) and from any adjacent property that is planned or zoned with any use other than industrial uses using one or multiple of the following methods of screening:</p> <ul style="list-style-type: none"> • Existing vegetation that will remain on the property • Landscaping improvements constructed on the property • A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building; these features shall be at least ten feet in height; chain link fencing with slats is not permitted to satisfy this requirement <p>Ground mounted mechanical equipment is prohibited in front yards.</p> <p>Solid screening walls must be constructed with a design, materials, details, and treatment compatible with those used on the nearest principal façade of a building, but may include perforated surfaces as needed for ventilation of mechanical equipment.</p> <p>Mechanical equipment shall be located and screened with materials that provide appropriate levels of noise attenuation to reduce sound impacts on surrounding properties. On properties adjacent to residentially zoned/planned properties, mechanical equipment must be screened on all four sides by an acoustical barrier. For purposes of this section, “acoustical barrier” is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution, or another effective mitigation measure specified by a qualified third-party acoustic engineer when found by the zoning administrator to provide appropriate levels of noise attenuation.</p> <p>Electric power lines, except electrical transmission lines carrying 48 kV or more, shall be located underground.</p>

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Table 3. Site design standards for data center development	
Site design standard	Requirements
Landscape buffers	<p>In lieu of the landscape buffer requirements in section 17-11-7(F) (Landscape buffer standards), any side or rear yard of a data center site abutting property that is planned or zoned for any use other than industrial uses shall include one of the following:</p> <ul style="list-style-type: none"> • Agricultural and commercial zoned/planned properties: A minimum 50-foot buffer. This may be achieved through existing mature landscaping or a landscaped earthen berm that screens the site. Berms shall have a slope no steeper than 2:1 with a minimum height of four feet and planted with a minimum of 320 plant units* per 100 feet of right-of-way or property line. • Residential or mixed-use zoned/planned properties: A minimum 100-foot buffer. This may be achieved through existing mature landscaping or a landscaped earthen berm that screens the site. Berms shall have a slope no steeper than 2:1 with a minimum height of six feet and planted and planted with a minimum of 320 plant units* per 100 feet of right-of-way or property line. <p>Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the zoning administrator to provide visual screening from adjacent land uses at the density, depth, and height equivalent to the landscape buffer with earthen berm.</p> <p>To protect the landscaping and the preservation of open space, linear co-location of utilities shall not be located within the buffer.</p>
Fencing ^Δ	Fencing of the property is permitted; however chain-link fencing, with or without slated inserts, and barbed wire fencing are prohibited along public or private street frontages.

* See Table 4 (Plant unit equivalents)

^Δ Requirement applies to data centers operated as accessory uses

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Table 4. Plant unit equivalents	
Plant type	Plant unit(s)
1 large deciduous or evergreen tree	10
1 medium, small, or compact deciduous or evergreen tree	5
1 shrub	2
1 ornamental grass	1
1 perennial	0.25

J. Building Design Standards. The building design standards in Table 5 (Building design standards for data centers) are intended to guide the development of data center buildings and associated equipment. The goal of the standards is to ensure more visually appealing and welcoming data center developments that also minimize negative impacts in the built environment.

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Table 5. Building design standards for data centers	
Building design standard	Requirements
Massing and scale	<p>Buildings shall use broad, large-scale architectural gestures to provide variety and modulation in façade and massing as seen from public rights-of-way.</p> <p>Variation at the ground plane shall be provided to create transitions in scale and mass as viewed from public rights-of-way.</p> <p>Additive and subtractive shifts in the building footprint shall be provided to reduce mass and scale and to provide outdoor amenity spaces for employees and visitors.</p>
Building height	<p>A maximum building height of 55 feet is allowed, with an additional 10 feet permitted for rooftop mounting of screened mechanical equipment. This building height limitation does not apply to utility substations, associated utility infrastructure such as utility poles, or accessory communication towers, but a height limitation for this infrastructure must be specified in the specific plan application.</p>
Principal façade	<p>Principal façade requirements apply to all building façades that face adjacent existing or planned public roads or that face property that is planned or zoned for any use other than industrial uses.</p> <p>Principal façades must incorporate differentiated surfaces at horizontal linear intervals that may vary in frequency, including:</p> <ul style="list-style-type: none"> • Fenestration; and • A change in one of the following design elements: <ul style="list-style-type: none"> ○ Building material; ○ Pattern; ○ Texture; ○ Color; or ○ Accent materials. <p>Principal façades must include building step-backs or recesses, which shall be a minimum of two feet in depth.</p> <p>When a building has more than one principal façade, the principal façades must be consistent in terms of design, materials, details, and treatment.</p>

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Table 5. Building design standards for data centers	
Building design standard	Requirements
Fenestration	<p>Each principal façade must include fenestration comprising at least 20% of the total surface coverage area of the principal façade.</p> <p>The fenestration must be compatible with the other design, materials, details, and treatment used on the same principal façade.</p>
Main building entryways	<p>A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.</p>
Exterior colors and materials	<p>Primary building facades shall use a neutral color palette and avoid high-contrast colors. ^Δ</p> <p>Accent colors shall be selected to complement the dominant building color, and any color change shall occur where changes in the building plane or recesses are provided. ^Δ</p> <p>Colors shall not act as advertisements or billboards. ^Δ</p> <p>Building exteriors shall use materials with texture and character. ^Δ</p> <p>Changes in materials shall be reflected in massing or offsets. The number of disparate materials shall be limited to a maximum of three primary materials to avoid a busy appearance. ^Δ</p> <p>Design elements shall be used to enhance the overall expression of data center buildings, with an emphasis on the pedestrian experience, particularly at entryways. All buildings shall include at least five of the following architectural features:</p> <ul style="list-style-type: none"> • Overhang • Canopy or portico • Recesses or projections • Arcade • Raised corniced parapets over the entrance • Tower elements • Variation in the roof line

^Δ Requirement applies to data centers operated as accessory uses