



PLANNING & DEVELOPMENT SERVICES DEPARTMENT

385 Kimbark Street, Longmont, CO 80501

T 303-651-8330 F 303-651-8696

longmont.planning@longmontcolorado.gov

Written Land Development Code Interpretation 2025-004

To: Grant Penland, Planning & Development Services Director
From: Nathan Jones-Meyer, Principal Planner
CC: Don Burchett, Planning Manager, and Planning Staff
Date: June 6, 2025
Re: Interpretation for Data Centers as an Unlisted Land Use

Section 15.04.020.B allows for the classification of new and unlisted uses. Per the Land Development Code (LDC), if a specific use is not listed, the director shall, upon the request of any interested party and under the procedures for written code interpretations stated in section 15.02.100, interpret the table to determine within which use classification and zoning district, if any, such use best fits, whether such use best fits as a permitted use or conditional use, and whether the use shall be considered a secondary use. The table, as so interpreted, shall govern that principal use.

To determine whether a use not specifically identified in the table is allowed, the director shall use the zoning district purpose and intent statements, definitions of uses, and the use-specific standards in section 15.04.030. Any proposed use shall be substantially similar to other uses specifically permitted in such district and shall be more similar to such identified uses than to uses allowed in a less restrictive district. If a proposed use is more similar to a conditional use than a permitted use, then any interpretation shall be as a conditional use rather than a permitted use. If a proposed use is similar to a secondary use, then any interpretation shall be as a secondary use. The director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, storage operations, employment characteristics, nuisances or other adverse impacts on neighboring properties, requirements for public utilities, and transportation requirements.

Summary of the Applicant's Request:

- Planning staff was contacted on January 30th, 2025 by the applicant with a request for an administrative interpretation to determine whether a *Data Center* land use was considered substantially similar to the *Light Industrial* under the LDC.
- The applicant has noted that the term *Data Center* is an unlisted land use in the LDC.
- The applicant notes that, per the LDC, the Director shall make interpretations for new or unlisted uses and determine which classification and zoning district best fits.
- The applicant argues that a *Data Center* is substantially similar to the *Light Industrial* land use as it is currently defined in the LDC.
- The provided the following definition for a *Data Center*: *A data center means a facility designed for the housing of large computer systems and related equipment used to store and process large amounts of electronic data through servers, networking equipment and storage systems.*
- They requested that *Data Centers* be considered a component of the *Light Industrial* land use and that it be a permitted land use within the Non-Residential Primary Employment (N-PE) zoning district.

Summary of Findings:

- The LDC provides the following purpose and intent statements for the N-PE zoning district: The purpose of the N-PE district is to establish areas for a wide range of employment uses, including manufacturing, industrial processing, research and development, warehousing and wholesaling, office-flex, and large employment facilities such as those in a planned office campus or headquarters development. The N-PE zoning district also accommodates limited supporting commercial uses as a means to support daily needs of employees within the district.
- The LDC defines *Light Industrial* as a "*research and development facilities, testing laboratories, and manufacturing, production, and fabrication of products, excluding hazardous materials and substances, where the impacts such as noise, odors, light,*

vibration, etc., are contained to the building space where the use is located. Light industrial uses occur indoors, except for storage meeting accessory use standards."

- The LDC does not provide definitions for research and development facilities or testing laboratories.
- The Planners Dictionary provides the following definition for research and development facilities from Milwaukee, Wisconsin: "An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components."
- Both the American Planning Association and Urban Land Institute have published white papers on *Data Centers* and found that the land use is dissimilar to many existing definitions of *Light Industrial* due to their electricity and water requirements, the noise and vibration that they produce, their enhanced security needs, and their low employment density. The papers include references to several cities that have found that *Data Centers* are unique land uses and have instituted specific conditions that apply to the land use. They recommend cities develop unique definitions and requirements for *Data Centers*.
- The LDC provides specific site design regulations for industrial buildings under Section 15.05.120.C.11. These regulations allow for some relief from the standard design requirements that apply to other non-residential building types.
- The LDC provides specific design standards for outdoor storage under Section 15.05.130. Outdoor storage is allowed subject to the conditions outlined within the Section. Mechanical and utility equipment, such as the types of condenser units typically found at *Data Centers*, are allowed so long as they are properly screened from public view.
- The LDC provides quality of life benchmarks and standards for adequate public facilities, including level of service requirements for utilities under Section 15.05.150. Per the LDC, adequate utility facilities and services to support the proposed development, as described in subsection G.1 of this section, shall be available concurrently with the impacts of such development. At the time of building permit issuance, the decision-making body shall require that all necessary utility facilities and services are in place and available to serve the new development. The utilities referenced here include water, wastewater, and electric service.
- Finally, the LDC includes operational and performance standards for air quality, noise, and vibrations, among other standards.

Conclusion:

- While the LDC does not identify a *Data Center* as a specific land use, the existing *Light Industrial* land use includes the research and development subtype that may be considered substantially similar to the applicant's proposed definition for *Data Center*.
- The LDC already includes regulations related to site design, outdoor storage, level of service benchmarks for utility provision, and limitations on external impacts, such as noise and vibration, that are intended to mitigate the concerns raised by the American Planning Associate and the Urban Land Institute regarding *Data Centers*.
- However, given the evolving nature of the utility and site design needs of *Data Centers* that have been reported across other jurisdictions, the existing standards included in the LDC may be insufficient to address the needs of future *Data Centers* that could be proposed as new development in currently undeveloped areas of the City.
- Therefore, if an applicant proposes a *Data Center* to be located within an existing structure within the City that was legally constructed pursuant to the standards of the LDC, and if the applicant provides evidence that the *Data Center* can continue to comply with all the standards of the LDC, said *Data Center* will be considered substantially similar to the existing *Light Industrial* land use and will be allowed within zoning districts where the *Light Industrial* land use is currently allowed. If a new *Data Center* is proposed as part of a major development application, as defined under Section 15.02.070, or new site plan, as defined under Section 15.02.070 C, the Director will evaluate the proposal under the existing standards. If it does not meet the existing standards, a new land use classification for *Data Centers* will be required to be defined and listed pursuant to Section 15.04.020.B.3. The Director may elect to forward the classification of the unlisted use to the City Council for consideration as the final decision-making body.



Grant Penland

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Grant Penland

Date

Cc: Official record of interpretations