

SECOND DRAFT

Proposed Changes to Wright City Zoning Code – Data Center Zoning

1. Amend Section 405.490 – Classifications, Industrial

Add a new classification

Section 405.490. Classifications, Industrial.

A. The industrial classifications are listed herein:

1. “M-1” Light Industrial District
2. “M-2” Heavy Industrial District
3. **“M-3” Data Center Industrial District**

2. Amend Section 405.510 – Conditional Land Use and Development by Permit

Clarify that Data Centers are no longer allowed in M-1 or M-2. *Needed to close any loophole and ensures all data centers must meet the M-3 standards.*

Add the following sentence:

- B. Data Centers shall not be permitted, either as a permitted use or conditional use within the M-1 or M-2 Industrial Districts, and only as planned use as expressly authorized within the M-3 Data Center Industrial District.

3. Create a new zoning district exclusively for data centers:

Section 405.580 “M-3” Data Center Industrial District

A. *Intent.* The M-3 Data Center Industrial District is a planned use district intended to provide a limited and highly regulated zoning district for large scale data centers whose operational characteristics require heightened standards for water use, energy consumption, noise control, infrastructure capacity, and long-term site management. This district is designed to protect public infrastructure, environmental resources, and nearby land uses while allowing compatible economic development under strict performance standards.

B. *Definitions.* For purposes of this Section, the following definitions shall apply:

Backup Generators. Backup Generators means engines that are designed to be used for utility power outages to provide continuous electricity, preventing data loss, and service disruption.

Cool Roof. Cool Roof means a roofing system designed to reflect more sunlight and emit absorbed heat through high solar reflectance and thermal emittance and through using lighter colors or special coatings that reflect invisible near-infrared light.

Closed Loop. Cooling System Closed Loop Cooling System means a system that recycles the same water or water mixture through an underground loop system in order to facilitate the transfer of energy between the closed underground loop and the earth.

Data Center. Data center is a facility whose primary service and dedicated infrastructure is for data processing or data storage, and is used to house computer systems and associated components, such as central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse co-location, or any other term applicable to facilities which are used for such purposes shall be deemed to be a data center.

Data Center Accessory Use/Structure. Data Center Accessory Use/Structure means any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development of or in further support of a Data Center. The category includes but is not limited to administrative, logistical, fiber optic, storage, and security buildings or structures; generators; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment), water cooling and storage facilities, security features, and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.

Facility. Facility shall refer to a new or expanded data center. Expanded means a structural alteration required to expand a building's footprint by (a) the addition of 25 percent or more space to the interior floor area of a structure used for data center purposes or (b) the addition of exterior generators or cooling equipment.

Large Load Data Center. Large Load Data Center is a data center with a maximum power demand of 75 megawatts or more. Large Load Data Centers shall be understood as an industrial land use.

Maximum Power Demand. Maximum Power Demand is the maximum energy draw that the facility may use—as set by an agreement with an electric service provider—measured in megawatts.

Micro Data Center. Micro Data Center is a data center—whether a primary or accessory use—with square footage less than 10,000 gross square feet and maximum power demand less than 5 megawatts.

Renewable Energy. Renewable Energy means energy derived from wind, solar, geothermal, or other sources of renewable energy as defined in RSMo 393.1025(5) or any other sources certified as renewable by the Missouri Department of Natural Resources pursuant to 10 CSR 140-8.010(3).

Standard Data Center. Standard Data Center is a data center, whether a primary or accessory use, with square footage of more than 10,000 gross square feet or maximum power demand of more than 5 megawatts but less than 75 megawatts.

C. *Permitted Uses.* The following uses shall be permitted only within the M-3 Data Center Industrial District and only upon approval of a Conditional Use Permit:

1. Data centers, including facilities primarily used for servers, networking equipment, cooling infrastructure, substations, and backup power systems.
2. Data Center Accessory Use/Structures.

D. *Prohibited Locations.* Data Centers shall not be located:

1. In floodplain districts
2. In wellhead protection areas
3. In conservation overlay districts
4. On land zoned or used for residential or agricultural purposes
5. Within any overlay district prohibiting high intensity industrial uses

E. *Setbacks:*

1. Minimum 700-foot setbacks from the property line of any abutting residential and agricultural land.
2. Applicant shall provide at a minimum, 100-foot landscaped buffers, berms, and screening.

F. *Site Development Plan Process*

1. A filing fee of \$2,500.00 for an application for establishment of an M-3 District and site plan review are to be submitted by applicants at the time of submission of the application.
2. The filing fee set forth above shall be a deposit made in anticipation of the City's expenses incurred in processing the application and submission at issue, including, but not limited to, administrative and clerical costs, costs of title research, surveys, legal, engineering and planning review, cost of traffic, planning, environmental, engineering, or other consultants employed by the City, publication expenses, expenses of notification to adjoining property owners, expenses of hearings including rental of a hall, if necessary, court reporter, if requested by either the City or the applicant, and other investigations deemed necessary by the City. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full.
3. In the event the fee deposit is insufficient to pay all such expenses incurred by the City, the City Clerk may document additional costs incurred by the City and request payment of same within thirty (30) days. Processing and all other actions related to the application shall not proceed until such additional sums are paid in full. Any and all unused portions of any additional sums required under this Section shall be refunded to the applicant.

G. Site Development Plan Review

1. Along with the application for a change of zoning to M-3 in accordance with §400.050 and other applicable sections, all development within the M-3 District shall require site development plan review by the Planning and Zoning Commission and final approval by the Board of Aldermen.
2. The Site Plan shall include all requirements of this section as well as those in §405.110 of the Zoning Code.
3. Along with the Site Plan, applicant shall submit:
 - a. Elevations and interior floor plans indicating areas dedicated to data center functions and areas planned for other uses (e.g., office, retail, research, etc.), if relevant.
 - b. A sign plan showing all desired signage for the site.
 - c. Megawattage of maximum power demand.

- d. The facility's proposed cooling system, sources of energy, and whether the facility plans provide its own energy through any renewable sources.
- e. All required studies and plans.

H. *Additional Submission Requirements; Certain Data Centers.*

1. Standard Data Centers and Large-Load Data Centers must also include the following information:
 - a. Anticipated end users of the data center, and purpose of the proposed facility, such as data storage; cloud computing; artificial intelligence; cryptocurrency mining; or business applications.
 - b. Map indicating the location of any new substations or substation upgrades required for the data center, and the location of new power lines serving the proposed data center.
 - c. The number, size, fuel source, and testing schedule for backup generators.
 - d. The expected timeline for commencing construction and operation of the facility.
 - e. The expected noise level to be generated by the proposed facility's cooling systems and generators, and the proposed facility's planned sound attenuation and noise reduction measures to limit the emission of noise and prevent disturbances to nearby residents, based on permissible noise levels outlined in Subsection H. Expected noise levels shared should include anticipated levels of low-frequency noise.
 - f. Fire detection and suppression systems that will be installed at the proposed facility.
 - g. Whether the applicant has executed an Interconnection Study Agreement, Construction Agreement, and/or Electric Service Agreement with an electric service provider.
 - h. Whether the user plans to participate in any renewable energy program, Power Purchase Agreements (PPAs) or purchase any Renewable Energy Credits (RECs).
 - i. Anticipated annual water use and anticipated or committed Power Usage Effectiveness (PUE) and Water Usage Effectiveness (WUE).
 - j. Plans to participate in the state's sales tax exemption program.

- k. The number of construction jobs and permanent jobs associated with the data center.
 - l. Anticipated tax revenue the community is to receive as a result of the proposed facility.
 2. Large-Load Data Centers must also include the following information:
 - a. Whether and how the proposed facility building's facade, height, massing, and orientation will be designed to be compatible with adjacent properties and the surrounding area.
 - b. A detailed description of sources and uses.
 - c. Any community benefits offered by the proposed facility or its operators.
 - d. Plans to remove infrastructure and equipment from the site should the data center cease operation.
 - e. Documentation of having advertised and held at least one meeting with affected community members (radius of ½ mile) during which project information is shared. Such a meeting is to be held at least 30 days prior to submission of an application to the City. Include a summary of feedback provided during the meeting(s).
- I. Building Height and Massing:*
 1. No data center building shall exceed two (2) stories or thirty-five (35) feet in height, whichever is less.
 2. Rooftop mechanical, cooling, and screening elements shall be fully integrated into the structure and included within the maximum height
 3. The design shall enclose and/or screen all exterior and rooftop cooling equipment, and any other Data Center Accessory Uses/Structures to provide a visual and acoustic barrier from the property line and surrounding area. Enclosures and/or screens shall be opaque to obstruct from view and reduce frequency and vibrations.
- J. Noise Standards:*
 1. Noise generated by any data center use shall not exceed sixty (60) decibels (dBA) at the property line.
 2. An independent noise study shall be required with the initial application.

3. Acoustic barriers shall be incorporated into the building and site design, including sound rated walls, berms, enclosures, or other permanent mitigation measures.
4. The building shall be designed to fully enclose all backup generators within the primary structure or an exterior structure.
5. Backup generators may only be tested between 10am and 5pm, Monday through Friday.

K. *Water Use and Discharge:*

1. Potable water shall not be used for cooling except in documented emergency conditions.
2. Only air cooled or closed loop cooling systems shall be permitted.
3. When flushing or discharging water from any system:
 - a. Such water shall not be discharged to the sanitary sewer or stormwater system.
 - b. All flushing water shall be captured and trucked off site to a legally permitted treatment or disposal facility.
4. Annual water use reporting shall be required.

L. *Energy Generation and Infrastructure:*

1. A minimum of **twenty five percent (25%)** of the data center's average annual electrical demand shall be supplied by:
 - a. On site renewable energy systems, or
 - b. Dedicated off site generation contractually committed to the facility.
2. Renewable energy credits or offsets shall not satisfy this requirement.
3. The applicant shall disclose maximum electrical load and fund all required infrastructure upgrades.
4. The facility shall demonstrate load shedding or demand reduction capability during grid emergencies.
5. Data centers shall not receive priority electrical service over residential or essential public services.

M. Performance Standards and Energy Benchmarks:

1. All data center facilities shall be designed, constructed, and operated to achieve high-efficiency, environmentally responsible performance consistent with recognized industry standards and best practices applicable at the time of application.
2. Compliance with this Section shall be demonstrated through one or more of the following:
 - a. Meeting or exceeding applicable standards or guidelines published by nationally or internationally recognized organizations, which may include, but are not limited to:
 1. ANSI / ASHRAE thermal and energy standards;
 2. Uptime Institute Tier Standards or equivalent reliability benchmarks;
 3. U.S. Department of Energy or ENERGY STAR data center metrics; and
 4. EPA or other applicable environmental performance standards.
 - b. Demonstrating **equivalent or superior performance** through alternative technologies, designs, or metrics supported by substantial evidence prepared by a qualified professional.
3. The applicant shall provide documentation demonstrating:
 - a. Expected Power Usage Effectiveness (PUE) and Water Usage Effectiveness (WUE)
 - b. Energy efficiency measures and operational practices
 - c. Cooling system efficiency and environmental impact
4. The Planning and Zoning Commission and Board of Aldermen shall evaluate compliance based on objective, measurable criteria and substantial evidence in the record, and shall not require adherence to any specific proprietary technology or certification.
5. In the event of updates to referenced industry standards, the City may accept the most current version or an equivalent standard demonstrating equal or greater performance.

N. Exterior Lighting:

1. A detailed exterior lighting plan and study shall be submitted with the site plan.
2. All lighting shall be fully shielded, downward directed, and designed to prevent glare or light trespass. Lighting shall not exceed 0.5 footcandles at the property line.
3. Lighting shall be limited to levels necessary for security and safety purposes.

O. Landscaping:

1. Provide landscaping on a minimum of 10 percent of the lot area, inclusive of a mix of evergreen and deciduous trees with a minimum caliper of 2½ inch at the time of planting.
2. Trees must be maintained in a healthy condition and replaced if dead.

P. Roof:

1. All data centers shall be designed and operated with a Cool Roof.

Q. End of Life Exit Strategy and Decommissioning:

1. Initial plans submitted to the City shall include a Decommissioning and End of Life Exit Strategy.
2. The plan shall address:
 - a. Equipment removal
 - b. Disposal of electronic and hazardous waste
 - c. Site restoration or adaptive reuse
3. Prior to permit issuance, the applicant shall post a financial guarantee sufficient to cover decommissioning and remediation.
4. Decommissioning shall commence within twelve (12) months of cessation of operations.

4. Add to Section 139.190:

Section 130.190 Proposals for Tax Abatement or Exemption.

F. Data Centers.

1. At the Board of Aldermen's discretion, the City by separate ordinance will temporarily suspend collection of personal property and real estate taxes for residents in 1:1 ratio to the tax revenue generated by a data center for the time the data center is in operation. During the time of any temporary suspension, the real property and personal property taxes otherwise lawfully imposed by the City shall remain continuously authorized and levied. Any such ordinance shall provide solely for a temporary suspension of collection for qualifying taxpayers and shall not be deemed or intended to repeal, reduce, or terminate any tax.