

**Amendment No. 1 to Board Bill Number 49 as Amended on the Floor By Sponsor
Aldерwoman Anne Schweitzer
Introduced by Aldерwoman Anne Schweitzer**

To amend said Board Bill, Page 13, Line 22 as follows:

Beginning on Page 13, Line 22, immediately after the words and figures "do not trigger this 30 percent cap." strike the following sentence: "An applicant may exceed the foregoing 30 percent cap only if the applicant: (1) makes available for lease to active uses such as office, retail, or institutional uses, 100 percent of the net leasable square footage of the ground floor of the data center building, exclusive of lobby, mechanical closets, loading docks, or building infrastructure space; and (2) enters into an agreement with the City detailing the community benefits provided by the project as part of the conditional use permit."

Plain Language: This amendment seeks to restore the density regulations for zoning districts H, I, and L as originally recommended by the Planning Commission.

**Amendment No. 2 to Board Bill Number 49 as Amended on the Floor by Sponsor
Alderdwoman Anne Schweitzer
Introduced by Alderdwoman Anne Schweitzer**

To amend said Board Bill, Page 13, Line 22 as follows:

Beginning on Page 13, Line 22, immediately after the words and figures "do not trigger this 30 percent cap." strike the following sentence: "An applicant may exceed the foregoing 30 percent cap only if the applicant: (1) makes available for lease to active uses such as office, retail, or institutional uses, 100 percent of the net leasable square footage of the ground floor of the data center building, exclusive of lobby, mechanical closets, loading docks, or building infrastructure space; and (2) enters into an agreement with the City detailing the community benefits provided by the project as part of the conditional use permit."

And in lieu thereof insert the following words and figures, "A data center use may exceed this 30 percent cap and comprise up to 50 percent of the gross square footage of a structure only if at least 75 percent of the building's ground-floor net leasable square footage (exclusive of lobby, mechanical closets, loading docks, inside storage, vehicle parking, or building infrastructure space) is reserved for active uses such as office, retail, institutional uses, and residential amenities."

Plain Language: This amendment seeks to adopt augmented language that would create a cap of 50 percent density, with at least 75 percent ground floor activation.

**Amendment No. 3 to Board Bill Number 49 as Amended on the Floor by Sponsor
Alderdwoman Anne Schweitzer
Introduced by Alderdwoman Anne Schweitzer**

To amend said Board Bill, Page 13, Line 18 as follows:

Beginning on Page 13, Line 18, immediately after the words and figures, “In the H, I, and L Districts:” strike out the following sentence, “1. A new Data Center within a building within 300 feet of an existing Data Center may only be allowed if the data center use comprises less than 30 percent of the gross square footage of a structure. Data Center uses on the same parcel as the proposed new Data Center do not trigger this 30 percent cap.”

And in lieu thereof insert the following words and figures, “1. A new Data Center within a building within 300 feet of an existing DataCenter may only be allowed if the data center use comprises less than 50 percent of the gross square footage of a structure. Data Center uses on the same parcel as the proposed new Data Center do not trigger this 50 percent cap.”

Plain Language: This amendment is the Planning staff recommendation, and would raise the overall density cap to 50 percent occupancy regardless of ground floor activation.

Amendment No. 4 to Board Bill No. 49 as Amended on the Floor By Sponsor Alderwoman Anne Schweitzer
Introduced by Alderwoman Anne Schweitzer

To amend said Board Bill, Page 24, Line 9, as follows:

Beginning on Page 24, Line 9, strike the following words and figures:

1. Before an occupancy permit is issued, facilities shall seek commitments from the electric utility or renewable energy generated on-site and/or battery storage to supply, according to the below schedule, certain percentages of the data center's energy load. Facilities must present annual compliance progress reports documenting efforts to build, secure, contract, or otherwise purchase renewable energy and renewable energy credits to comply with this provision.
2. Before an occupancy permit is issued, the facility shall demonstrate its ability to begin operation with a minimum of 25 percent of its annual electricity consumption from renewable energy through any combination of Bundled and Unbundled RECs retired on behalf of the facility, and/or on-site renewable energy generation and storage. Bundled RECs shall be obtained through the electric utility's renewable energy programs, PSC approved renewable energy programs, clean energy riders, the electric utility's renewable generation portfolio required under 393.1030 RSMo, including participation in virtual power plant programs.
3. The facility shall achieve and maintain at least 50 percent of its annual electricity consumption from renewable energy by the end of its 5th year in operation through at least 25 percent Bundled RECs and/or on site renewable energy generation and storage, and up to 25 percent Unbundled RECs retired on behalf of the facility. Bundled RECs shall be obtained through the electric utility's renewable energy programs, PSC approved renewable energy programs, clean energy riders, the electric utility's renewable generation portfolio required under 393.1030 RSMo, including participation in virtual power plant programs.
4. The facility shall achieve and maintain 100 percent of its annual electricity consumption from renewable energy by the end of its 10th year in operation through at least 75 percent Bundled RECs and/or on-site renewable energy generation and storage, and up to 25 percent Unbundled RECs retired on behalf of the facility. Bundled RECs shall be obtained through the electric utility's renewable energy programs, PSC-approved renewable energy programs, clean energy riders, utility's renewable generation portfolio required under 393.1030 RSMo, including participation in virtual power plant programs.

5. For each megawatt-hour of annual electricity consumption by which the facility fails to meet the applicable renewable energy requirement, a facility failing to meet the 5-year compliance deadline shall be subject to a noncompliance penalty of 125 percent of the average market rate for a bundled, retired REC from the MISO region until the shortfall is cured. For a facility failing to meet the 10-year compliance deadline, the noncompliance penalty shall be 300 percent of the average market rate for a bundled, retired REC from the MISO region until the shortfall is cured. If the electric utility is verifiably unable to meet the requirements in supplying any portion of the data center's energy load from renewable sources, a facility that petitions the Board of Public Service and provides documentation of the amount of and reasons for the shortfall will be held harmless from penalties if the facility abides by the terms of the waiver, and may receive, with the Board's discretion, either an additional extension of time or an exemption to the unbundled/bundled REC cap. Facilities utilizing the exemption to the unbundled/bundled REC cap must reapply for this exemption every 5 years, to certify that the facility is still unable to receive enough unbundled/bundled RECs through the electric utility to meet these requirements. At any time, if additional unbundled/bundled RECs become available to further reduce the facility's compliance shortfalls, the Board shall establish a modified compliance schedule for meeting the renewable requirements.

And insert in lieu thereof to read as the following words and figures:

1. Before an occupancy permit is issued, the facility shall demonstrate its ability to begin operation with a minimum of 25 percent of its annual electricity consumption from renewable energy through any combination of Bundled and Unbundled RECs retired on behalf of the facility, and/or on-site renewable energy generation and storage. Bundled RECs shall be obtained through the electric utility's renewable energy programs, PSC-approved large-load renewable energy programs, clean energy riders, the electric utility's generation portfolio, including participation in virtual power plant programs.
2. The facility shall achieve and maintain at least 50 percent of its annual electricity consumption from renewable energy by the end of its 5th year in operation through at least 25 percent Bundled RECs and/or onsite renewable energy generation and storage, and up to 25 percent Unbundled RECs retired on behalf of the facility. Bundled RECs shall be obtained through the electric utility's renewable energy programs, PSC-approved large-load renewable energy programs, clean energy riders, the electric utility's generation portfolio, including participation in virtual power plant programs. A facility may apply for a one-time, up to one year waiver with the Board of Public Service if an unforeseeable event or circumstance has delayed a facility's compliance progression with this threshold.

3. The facility shall achieve and maintain 100 percent of its annual electricity consumption from renewable energy by the end of its 10th year in operation through at least 75 percent Bundled RECs and/or on-site renewable energy generation and storage, and up to 25 percent Unbundled RECs retired on behalf of the facility. Bundled RECs shall be obtained through the electric utility's renewable energy programs, PSC-approved large-load renewable energy programs, clean energy riders, the electric utility's generation portfolio, including participation in virtual power plant programs.
4. For each megawatt-hour of annual electricity consumption by which the facility fails to meet the applicable renewable energy requirement, a facility failing to meet the 5-year compliance deadline shall be subject to a noncompliance penalty of 125 percent of the average market rate for a bundled, retired REC from the MISO region until the shortfall is cured. For a facility failing to meet the 10-year compliance deadline, the noncompliance penalty shall be 300 percent of the average market rate for a bundled, retired REC from the MISO region until the shortfall is cured.

Plain Language: This amendment seeks to restore the renewable energy regulations as recommended by the Planning Commission.

Amendment No. 5 to Board Bill No. 49 as Amended on the Floor By Sponsor Alderwoman Anne Schweitzer
Introduced by Alderwoman Anne Schweitzer

To amend said Board Bill, Page 26, Line 7, as follows:

Beginning on Page 26, Line 7, strike out the following words and figures:

“If the electric utility is verifiably unable to meet the requirements in supplying any portion of the data center’s energy load from renewable sources, a facility that petitions the Board of Public Service and provides documentation of the amount of and reasons for the shortfall will be held harmless from penalties if the facility abides by the terms of the waiver, and may receive, with the Board’s discretion, either an additional extension of time or an exemption to the unbundled/bundled REC cap. Facilities utilizing the exemption to the unbundled/bundled REC cap must reapply for this exemption every 5 years, to certify that the facility is still unable to receive enough unbundled/bundled RECs through the electric utility to meet these requirements. At any time, if additional unbundled/bundled RECs become available to further reduce the facility’s compliance shortfalls, the Board shall establish a modified compliance schedule for meeting the renewable requirements.”

And insert in lieu thereof to read as the following words and figures:

“6. A facility can only petition the Board of Public Service for a renewable energy requirement waiver 90 days or more prior to their compliance deadline by providing documentation of the amount of and reasons for the shortfall. If the electric utility is verifiably unable to meet the requirements in supplying any portion of the data center’s energy load from renewable sources, the facility shall be held harmless from penalties if the facility abides by the terms of the waiver. If requested by the Board of Public Service, facilities shall retain at their own expense an independent third-party renewable energy expert approved by the Board of Public Service, to verify their eligibility for a waiver of renewable energy requirements, and any other costs incurred by the City to consider such a waiver. The City and the facility shall mutually agree upon the independent third-party expert. If the Board of Public Service does not approve the independent third-party renewable energy expert, within ten (10) business days from that rejection each party shall designate an independent renewable energy expert, and the two designated experts shall jointly select a third independent renewable energy expert to perform the review. The expert so selected shall be deemed mutually acceptable to the parties, and the facility shall be responsible for the reasonable fees and expenses of such expert. The Office of Sustainability in the Planning and Urban Design Agency, or its successor, shall provide a public written recommendation on the waiver request to the Board of Public Service.

7. The facility, if found eligible, may receive a 2-year waiver granting, with the Board's discretion, either an additional extension of time or an exemption to the unbundled/bundled REC cap only as required to reflect the shortfall in available renewable energy supply. At any time, if additional unbundled/bundled RECs become available to further reduce the facility's compliance shortfalls, the Board shall establish a modified compliance schedule for meeting the renewable requirements."

Plain Language: This amendment offers an augmented Planning staff recommendation to modify Amendment "5" by Alderman Thomas Oldenburg. These changes clarify how and when a facility can pursue a waiver, promote transparency during the process, make public the Office of Sustainability recommendation, and provide the option for expert advice to the Board of Public Service during the waiver petition process.

Amendment No.6 to Board Bill No. 49 as Amended on the Floor By Sponsor Alderwoman Anne Schweitzer
Introduced by Alderwoman Anne Schweitzer

“To amend said Board Bill, Page 26, Line 7, as follows:

Beginning on Page 26, Line 7, strike out the following words and figures:

“If the electric utility is verifiably unable to meet the requirements in supplying any portion of the data center’s energy load from renewable sources, a facility that petitions the Board of Public Service and provides documentation of the amount of and reasons for the shortfall will be held harmless from penalties if the facility abides by the terms of the waiver, and may receive, with the Board’s discretion, either an additional extension of time or an exemption to the unbundled/bundled REC cap. Facilities utilizing the exemption to the unbundled/bundled REC cap must reapply for this exemption every 5 years, to certify that the facility is still unable to receive enough unbundled/bundled RECs through the electric utility to meet these requirements. At any time, if additional unbundled/bundled RECs become available to further reduce the facility’s compliance shortfalls, the Board shall establish a modified compliance schedule for meeting the renewable requirements.”

And insert in lieu thereof to read as the following words and figures:

“If the facility is verifiably unable to meet the requirements through the electric utility in supplying any portion of the data center’s energy load from renewable sources, a facility that petitions the Board of Public Service and provides documentation of the amount of and reasons for the shortfall will be held harmless from penalties if the facility abides by the terms of the waiver, and may receive, with the Board’s discretion, either an additional extension of time or an exemption to the unbundled/bundled REC cap only as required to reflect the shortfall in available renewable energy supply. Documentation for the waiver request shall be posted online no less than 15 days prior to the meeting during which the Board of Public Service considers the request. Facilities utilizing the exemption to the unbundled/bundled REC cap must reapply for this exemption every 2 years, to certify that the facility is still unable to receive enough unbundled/bundled RECs through the electric utility to meet these requirements. At any time, if additional unbundled/bundled RECs become available to further reduce the facility’s compliance shortfalls, the Board shall establish a modified compliance schedule for meeting the renewable requirements.”

Plain Language: This amendment offers the Planning staff recommendations to modify Amendment "5" by Alderman Thomas Oldenburg. This changes the exemption period from 5 years to 2 years which better reflects the timeline for when additional bundled RECs may come

onto the market. The electric utility updates its Integrated Resources Plan annually with a major update every 3 years.

Amendment No. 7 to Board Bill Number 49 as Amended on the Floor by Sponsor Alderwoman Anne Schweitzer
Introduced by Alderwoman Anne Schweitzer

To amend said Board Bill, Page 5, Line 15 as follows:

Beginning on Page 5, Line 15, after the word(s) “roof area.” strike out the following words and figures; “11. Institutional Campus: Institutional Campus means one or more adjoining parcels under common ownership, occupied by a use permitted or conditionally permitted as a medical institution for higher education or research purposes under this Zoning Code, along with directly related support uses.”

To further amend said Board Bill, Page 12, Line 18 as follows:

Beginning on Page 12, Line 18, after the word(s) "school" and inserting the following words and figures: "building containing classrooms, workspaces, residential facilities, or similar uses,"

And to further amend said Board Bill, Page 13, Line 2 as follows:

Beginning on Page 13, Line 2, after the word(s) “Comprehensive Plan.” strike out the following words and figures;

“iii. Institutional Data Center Provision. A Data Center that exclusively serves an Institutional Campus may be located on that same campus provided that:

1. The Data Center is not a colocation or commercial facility serving outside users;
2. The Data Center is a Micro or Standard Data Center; and
3. The setbacks in subsection (a)(i) continue to fully apply to parcels containing a light rail station or transit center, and parcels containing a school or public park on all parcels outside of the Institutional Campus.”

Plain Language: This amendment seeks to adopt the language as approved by the Planning Commission on August 12, 2026.

Amendment . 8 to Board Bill Number 49 as Amended on the Floor by Sponsor Alderwoman Anne Schweitzer
Introduced by Alderwoman Anne Schweitzer

To amend said Board Bill, Page 5, Line 15 as follows:

Beginning on Page 5, Line 15, after the word(s) “roof area.” strike out the following words and figures; “11. Institutional Campus: Institutional Campus means one or more adjoining parcels under common ownership, occupied by a use permitted or conditionally permitted as a medical institution for higher education or research purposes under this Zoning Code, along with directly related support uses.”

To amend said Board Bill, Page 12, Line 18, as follows:

Beginning on Page 12, Line 18, immediately after the word(s) “school” insert the following words and figures: “building”.

Beginning on Page 13, Line 2, after the word(s) “Comprehensive Plan.” strike out the following words and figures;

“iii. Institutional Data Center Provision. A Data Center that exclusively serves an Institutional Campus may be located on that same campus provided that:

1. The Data Center is not a colocation or commercial facility serving outside users;
2. The Data Center is a Micro or Standard Data Center; and
3. The setbacks in subsection (a)(i) continue to fully apply to parcels containing a light rail station or transit center, and parcels containing a school or public park on all parcels outside of the Institutional Campus.”

Plain Language: This amendment seeks to adopt the Planning staff recommendation by the addition of the word, “building”—seeking to clarify the intent on distancing requirements for sensitive uses.

**Amendment No. 9 to Board Bill Number 49 as Amended on the Floor by Sponsor
Aldерwoman Anne Schweitzer
Introduced by Aldерwoman Anne Schweitzer**

To amend said Board Bill, Page 37, Line 8 as follows:

Beginning on Page 37, Line 8, immediately following the word(s), “the Mayor’s veto.” insert the following words and figures;

“SECTION SIX. Emergency Clause

This being an ordinance for the preservation of public peace, health and safety and providing for public work or improvements and repairs thereof, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter, and, therefore, this Ordinance shall become effective immediately upon its passage and approval of the Mayor of the City.”

Plain Language: The amendment seeks to add an emergency clause, allowing the Mayor to immediately act on the approval of this ordinance following passage by the Board of Aldermen.