

Summary
Board Bill Number 49
Alderwoman Anne Schweitzer
June 18, 2026

An Ordinance recommended by the Planning Commission amending the Zoning Code to add Section 26.77 creating comprehensive zoning regulations for Data Centers. Approved by the Planning Commission on June 10, 2026; and containing a severability clause.

**BOARD BILL NUMBER 49 INTRODUCED BY ALDERWOMAN ANNE SCHWEITZER
COSPONSORS: ALDERWOMAN ALISHA SONNIER/ALDERWOMAN SHAMEEMCLARK-HUBBARD**

An Ordinance recommended by the Planning Commission amending the Zoning Code to add Section 26.77 creating comprehensive zoning regulations for Data Centers. Approved by the Planning Commission on June 10, 2026; and containing a severability clause.

WHEREAS, data centers are a unique land use that requires specialized zoning regulation to protect the health, safety, and general welfare of the City of St. Louis; and

WHEREAS, data centers do not currently have a definition in the City’s Zoning Code, and had historically been regulated as “office” or “warehousing;” and

WHEREAS, a new zoning definition will allow for specific regulations to be applied to data centers; and

WHEREAS, data centers can have many impacts on surrounding properties and residents through emissions of noise, heat, and air pollution; and

WHEREAS, data centers can also strain local infrastructure if not appropriately designed or their impacts are not appropriately mitigated through investment in local infrastructure; and

WHEREAS, the immense power demands of data centers may conflict with adopted elements of the City’s Comprehensive Plan if not met sufficiently through renewable power sources and protections from local pollutants.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

That by and through this ordinance entitled “Data Center Environmental Impact Monitoring”, this Board seeks to establish that verified energy consumption, water usage, e-waste generation, air

emissions, noise emissions, use of generators, heat impact reports, and hazardous material management reports are required for data center buildings or similar uses within its jurisdiction, as follows:

SECTION ONE. The following Section 26.04.010 Title, of Chapter 26.04 is hereby amended to include 26.77 Data Centers.

26.77.010 Title.

Chapters 26.04 through 26.100 shall be known and cited as "the Zoning Code" and shall consist of the following chapters:

Chapter	Description
26.04	Citation and Purposes
26.08	Zoning Definitions
26.12	Zoning Districts and Boundaries
26.16	General Zoning Regulations
26.20	"A" Single-Family Dwelling District
26.24	"B" Two-Family Dwelling District
26.28	"C" Multiple-Family Dwelling District"
26.32	"D" Multiple-Family Dwelling District
26.36	"E" Multiple-Family Dwelling District
26.40	"F" Neighborhood Commercial District"
26.44	"G" Local Commercial and Office District
26.48	"H" Area Commercial District
26.52	"I" Central Business District
26.56	"J" Industrial District
26.60	"K" Unrestricted District
26.64	"L" Jefferson Memorial District
26.66	Bed and Breakfast Districts
26.68	Comprehensive Sign Control Regulations
26.70	Marijuana Uses
26.72	Regulated Uses
26.73	Special Use Districts
26.74	Off-Street Parking and Loading in Dwelling Districts
26.75	Special Residential Uses
26.76	Short-Term Rentals

26.77	Data Centers
26.80	Use, Height, and Area Exceptions
26.82	Form-Based Districts
26.84	Board of Adjustment
26.88	Zoning Administrator
26.92	Changes and Amendments
26.96	Plats, Certificates of Occupancy, and Survey Fees
26.98	Fee Schedule
26.100	Violations

SECTION TWO. The following definition(s) are hereby added to Chapter 26.08 of the Revised Code:

26.08.109 - Data Center; Backup Generators; Baseline Noise Level; Cool Roof; Data Center, Major; Data Center, Micro; Data Center, Standard; District Energy System; Green Roof; Local Renewable Energy Credits (RECs); Maximum Power Demand; Public Impact Agreement; Renewable Energy; Server Room; Transit Center. See Chapter 26.77 for definitions.

SECTION THREE. The following new Chapter, pertaining to Data Centers, to be codified as Chapter 26.77 of the Revised Code, is hereby added to Title 26 of the Zoning Code:

Chapter 26.77 Data Centers

26.77.010 Purpose.

The purpose and intent of this Chapter 26.77, Data Centers, is to define and address the location, establishment, application requirements, and standard conditions for data centers in order to ensure the health, safety, and general welfare of the residents of the City of St. Louis. This chapter seeks to allow for responsible, predictable development of data centers and associated infrastructure, to encourage best practices, limit negative impacts, and establish a foundation for monitoring and accountability.

1 **26.77.020 Definitions.**

- 2 1. **Backup Generators:** Backup Generators means engines that are designed to be used for
3 utility power outages to provide continuous electricity, preventing data loss, and service
4 disruption.
- 5 2. **Baseline Noise Level:** Baseline noise level means a measure of noise, taken at the property
6 line pre-application, that establishes dBA and dBC noise levels averaged over a 60-minute
7 measurement period. Measurements shall include daytime levels (e.g., taken between 7:00
8 a.m. and 1:00 p.m.,) and nighttime levels (i.e., taken between 10:00 p.m. and 7:00 a.m.).
- 9 3. **Cool Roof:** Cool Roof means a roofing system designed to reflect more sunlight and emit
10 absorbed heat with a minimum Solar Reflectance Index of 90.
- 11 4. **Data Center:** Data Center means a facility used primarily for the storage, management,
12 processing, and transmission of digital data and that houses computer or network
13 equipment, systems, servers, appliances, and other associated components related to digital
14 data storage, processing, and related operations. Data center uses include data storage
15 facilities, server farms, artificial intelligence training or processing, image processing,
16 cloud computing, email servicing, and similar uses. A Data Center may be a primary or
17 secondary use.
- 18 5. **Data Center, Major:** Major Data Center means a data center with square footage greater
19 than 250,000 and less than 500,000, or with a Maximum Power Demand of 30 megawatts
20 or more.
- 21 6. **Data Center, Micro:** Micro Data Center means a data center with square footage less than
22 10,000 gross square feet and Maximum Power Demand less than 5 megawatts.

- 1 7. **Data Center, Standard:** Standard Data Center means a data center with square footage of
2 more than 10,000 gross square feet and less than 250,000, and Maximum Power Demand
3 of more than 5 megawatts but less than 30 megawatts.
- 4 8. **District Energy System:** District Energy System means the Downtown Steam Distribution
5 System and/or the planned Chilled Water Loop.
- 6 9. **Green Roof:** Green Roof means a vegetated roofing system which is functionally
7 integrated onto a roof area.
- 8 10. **Local Renewable Energy Credits (RECs):** Local RECs means bundled RECs generated
9 by renewable energy facilities located within the utility service territory, the State of
10 Missouri, or the MISO region, and retired on behalf of the facility.
- 11 11. **Maximum Power Demand:** Maximum Power Demand means the facility's highest level
12 of connected electricity load for critical IT and building systems and equipment, as set by
13 a single contract with an electric service provider.
- 14 12. **Public Impact Agreement:** Public Impact Agreement means a binding contract for the
15 purpose of protecting the health, safety, and welfare of the residents of the City.
- 16 13. **Renewable Energy:** Renewable Energy means energy derived from wind, solar,
17 geothermal, or other non-depleting sources of renewable energy.
- 18 14. **Server Room:** Server room means an accessory facility with less than 1 megawatt in
19 Maximum Power Demand that supports routine functions of the primary use. Server rooms
20 are not subject to the requirements of this Chapter 26.77.

1 15. **Transit Center:** Transit Center means a location where Metro operates a major hub for
2 MetroBus and/or MetroLink stops as identified by their System Maps. Individual bus stops
3 are not Transit Centers.

4 **26.77.030. Use Table.**

5 The following Use Table lists how Data Centers are regulated in the various existing zoning
6 districts. Within the table, the user can identify the type of Data Center and how the facility
7 is regulated under each zone, thus identifying whether the use is Permitted (P), whether it
8 requires a Conditional Use Permit (C), or whether it is prohibited (NA).

Use	A - E	F	G	H	I	J	K	L
Micro Data Center	NA	NA	NA	C	C	C	C	C
Standard Data Center	NA	NA	NA	NA	C	C	C	NA
Major Data Center	NA	NA	NA	NA	NA	NA	C	NA

9
10 **26.77.040 Application Requirements.**

11 A. An applicant seeking a permit for any new data center or expansion must include the
12 following information as part of their application submission:

- 13 1. The classification of the proposed data center (i.e., Micro, Standard, or Major).
- 14 2. Elevations and interior floor plans indicating areas dedicated to data center
15 functions and areas planned for other uses (e.g., office, retail, research, etc.), if
16 relevant. Elevations shall include indications of exterior building materials, as well
17 as images and descriptions of adjacent building materials.

3. Site plan clearly identifying the building and its square footage, the location of Backup Generators and cooling equipment, fuel storage and fuel type, parking, landscaping, overhead power (e.g., transmission, distribution lines), on-site battery storage and battery type, on-site substations, any on-site power generation (e.g., solar, wind, etc.), other noise and light-emitting structure and equipment, and any additional critical infrastructure or equipment.
4. Clear annotation, on the site plan or a separate drawing, denoting setbacks for Data Center buildings, Backup Generators, and other noise- and light-emitting infrastructure.
5. Megawattage of Maximum Power Demand.
6. The facility's proposed cooling system, sources of energy, and whether the facility plans to provide its own energy, or to meet its power demands through renewable sources.
7. A scope, schedule, and budget for implementation of the renewable energy threshold.
8. Whether the applicant has executed an Interconnection Study Agreement, Construction Agreement, and/or Electric Service Agreement with an electric service provider and/or has proof of on-site, connected-to-the-grid or behind-the-meter generation that demonstrates how the applicant will meet renewable energy thresholds. If so, the applicant shall provide a copy in their application.

B. An applicant seeking a permit for any Standard Data Center or Major Data Center must also include the following information:

1. Anticipated end users of the data center, and purpose of the proposed facility, such as: data storage; cloud computing; general artificial intelligence; cryptocurrency mining; surveillance; large language model training; or other business applications.
2. 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. (Any on-site power generation, outside of renewable and backup power sources, shall be prohibited.)
3. The number, size, fuel source, and anticipated testing schedule for Backup Generators.
4. An assessment of any flood risk to the proposed site, and planned mitigation efforts.
5. The expected timeline for commencing construction and operation of the facility.
6. Baseline noise levels, expected noise levels to be generated by the proposed facility's cooling systems, turbines, load banks, and Backup Generators, a proposed testing schedule designed to minimize air quality problems and noise impacts, and the proposed facility's planned sound attenuation and noise reduction measures to limit the emission of noise and prevent disturbances to nearby residents.
7. Fire detection and suppression systems that will be installed at the proposed facility.
8. Whether the user plans to participate in any renewable energy or virtual power plant program, have any onsite renewable energy generation and/or storage, or purchase any Renewable Energy Credits (RECs).

1 9. Anticipated annual water use and anticipated or committed Power Usage
2 Effectiveness (PUE) and Water Usage Effectiveness (WUE) for both peak and
3 average annual demand.

4 10. Intent to participate in the state's sales tax exemption program.

5 11. If new construction, whether and how the proposed facility building's facade,
6 height, massing, and orientation will be designed to be compatible with adjacent
7 properties and the surrounding area.

8 C. An applicant seeking a conditional use permit for any Major Data Center must also include
9 the following information:

10 1. A detailed description of sources and uses of financing for the development.

11 2. Any community benefits offered by the proposed facility or its operators.

12 3. An environmental impact report prepared by a third-party professional
13 environmental engineer describing:

14 a. Anticipated emissions, and air and water quality impacts, and any plans to
15 mitigate impacts;

16 b. Anticipated heat emissions and heat plumes generated by the proposed
17 facility, and any plans to mitigate impacts; and

18 c. Anticipated stormwater impacts and mitigation.

19 4. An economic impact report prepared by a third-party credentialed professional
20 entity describing:

21 a. The amount of tax revenue local taxing jurisdictions are anticipated to
22 receive as a result of the proposed development; and

1 b. The number of construction jobs and permanent jobs associated with the
2 data center.

3 5. Plans to remove infrastructure and equipment from the site should the data center
4 cease operation.

5 6. A letter of attestation from the electricity provider describing any impacts to
6 ratepayers or grid reliability of required new power generation or other
7 infrastructure upgrades to serve the project.

8 7. Documentation of having advertised and held at least one meeting with community
9 members during which project information is shared, feedback is invited, and
10 questions are answered. All information and documents presented at such a meeting
11 shall be made publicly available and must be submitted during the application
12 process.

13 a. Advertisement: Such a meeting is to be advertised no fewer than 15 days
14 prior to the meeting's date, with notification provided by email to all
15 Registered Neighborhood Organizations having a geographical boundary
16 within a one mile radius of the proposed data center; by email to all
17 Neighborhood Improvement Specialists; by email to relevant City
18 departments and agencies (i.e., Planning & Urban Design Agency, Health
19 Department, Zoning Section of the Building Division, St. Louis
20 Development Corporation); by mail to all residents and property owners
21 within a 1,000 foot radius of the subject property; and by email to all state

1 and local elected officials representing residents of the surrounding 1 mile
2 of the proposed location.

3 b. Meeting: The meeting shall include a presentation of project details required
4 for application, commitments to mitigate impacts to residents and to the
5 environment, and a question and answer period. All major areas of
6 community concern, questions, and feedback shall be documented and
7 provided to the City as part of the application.

8 c. Feedback Period: During a minimum of 30 days following the Meeting, the
9 applicant shall invite and document community feedback. Applications
10 shall not be submitted within a minimum of 30 day Feedback Period.

11 D. In the event that an applicant is unable to provide any of the above information, the
12 applicant shall, in writing as part of their application, indicate that they are unable to
13 provide the information and also describe the reason this information cannot be provided.
14 It shall be acceptable to exclude required information if it is confidential according to state
15 or federal law.

16 **26.77.050 Site Requirements, Design Requirements, and Standard Conditions.**

17 Data Centers shall comply with the following site requirements, design requirements and
18 standard conditions:

19 a. Location Requirements

20 i. Data Center buildings, Backup Generators, and other associated noise- or
21 light-emitting infrastructure shall have the following setbacks from the lot
22 lines of parcels zoned A, B, C, D, E, F, and G, parcels containing a light

1 rail station or transit center, and parcels containing a school or public park:

- 2 1. 150 feet for Micro Data Centers;
- 3 2. 300 feet for Standards Data Centers; and
- 4 3. 600 feet for Major Data Centers.

5 ii. Data Centers may only be permitted if their location substantially aligns
6 with the Strategic Land Use Plan of the City's Comprehensive Plan.

7 b. Area Standards

8 i. The facility shall comply with the Height and Setback limitations of the
9 underlying zoning district.

10 ii. The facility shall provide 1 off-street parking space for every 5 permanent
11 employees.

12 iii. In the H, I, and L Districts:

13 1. A new Data Center within a building within 300 feet of an existing
14 Data Center may only be allowed if the data center use comprises
15 less than 30 percent of the gross square footage of a structure. Data
16 Center uses on the same parcel as the proposed new Data Center
17 do not trigger this 30 percent cap.

18 2. At least 50 percent of the gross ground floor area of any building
19 with street frontage shall be reserved for active uses such as office,
20 retail, institutional uses, and residential amenities, and shall not be
21 used for inside storage or vehicle parking. For the purposes of this
22 section, a building with street frontage is any building located

1 within 50 feet of a street right-of-way line.

2 c. Noise and Vibration Controls

3 i. The facility shall have no unabated nuisance violations.

4 ii. The facility shall be subject to provisions of Ordinance 68130 or its
5 successor.

6 iii. Noise levels shall not exceed 5 dBC above the Baseline Noise Levels, as
7 measured from the property line, as reported prior in the application,
8 during standard operation. If Baseline Noise Levels exceed what is
9 permitted by the noise ordinance (Ordinance 68130), or if the noise
10 ordinance does not establish a specific dBA level for the relevant zoning
11 district, then noise levels shall not exceed 5 dBA or dBC above the
12 Baseline Noise Levels.

13 d. Building Systems & Equipment Design & Screening

14 i. The building shall be designed and operated with a Cool Roof, Green
15 Roof, or rooftop photovoltaic solar panels to reduce urban heat impacts.

16 ii. All exterior equipment and equipment areas shall be visually screened in
17 order to limit visibility from the right of way, adjoining parcels, and
18 nearby thoroughfares or highways.

19 iii. Noise-emitting equipment, such as Backup Generators, shall be physically
20 enclosed within acoustically treated structures and placed away from
21 primary frontages.

22 iv. All exterior and rooftop cooling equipment, and any other infrastructure to

1 provide a visual and acoustic barrier from the property line and
2 surrounding area, shall be enclosed or screened. Enclosures and screens
3 shall be opaque to obstruct from view and reduce frequency and
4 vibrations.

- 5 v. On-site fuel storage shall be visually and physically screened, and set back
6 at least 20 feet from the property line.

7 e. Site & Urban Design Standards

- 8 i. All principal and accessory structures and energy systems associated with
9 a Data Center shall be arranged, designed, and constructed to be
10 harmonious and compatible with the site and with the surrounding
11 properties. Data Centers that visually approximate commercial office
12 buildings are encouraged. All Backup Generators and other external
13 equipment shall be located to the side or rear of the Data Center building.
- 14 ii. Properties shall be well landscaped. A tree lawn not less than 3 feet in
15 width along all public streets shall be required where setbacks,
16 underground infrastructure, and available right of way make it practicable,
17 and where this subsection does not conflict with streetscaping designs or
18 plans of the Board of Public Service, a Community Improvement District,
19 or other formal political subdivision or tax district in which the Data
20 Center is located. Street trees shall be installed in the tree lawn, between
21 the public sidewalk and public street, when the tree lawn has sufficient
22 width, or street trees with grates shall be installed in public sidewalks

1 where the sidewalk has sufficient width with a maximum of 25 feet
2 between trees. All street trees shall be irrigated. In the K district, Data
3 Centers may install a landscape berm as an alternative to a tree lawn.
4 Additional landscaping requirements may be included in a Public Impact
5 Agreement.

6 iii. Surface parking shall be placed at the rear or side of the building and shall
7 not extend beyond the established building line.

8 iv. Primary structures shall include these design features:

9 1. Windows, doors, or similar fenestration shall be distributed both
10 horizontally and vertically and comprise at least 30 percent of the
11 façades.

12 2. Glass transparency on windows shall be greater than 80 percent.
13 Faux windows and covered windows are prohibited.

14 3. Signs must meet the requirements of the underlying code.

15 4. At least one main entrance that projects or is recessed from the
16 main building plane, and is differentiated from the remainder of
17 the building façade, is required.

18 5. Exterior materials shall be compatible in type and texture with the
19 dominant materials of adjacent buildings. Artificial masonry, EIFS,
20 and cementitious fiberboard are not permitted.

21 6. All loading and unloading areas, including overhead doors, shall
22 be oriented towards the side or rear property lines away from

1 public roadways. Loading docks are not permitted in the front or
2 street side yards and shall not be oriented towards the front
3 property line.

4 7. Projects located in local historic or form-based districts are subject
5 to the design standards of that district.

6 f. Water Responsibility

7 i. The facility shall not operate with a cooling system that solely relies on
8 Evaporative Cooling. Evaporative Cooling means a highly water-intensive
9 process that uses water evaporation to cool air for the facility's
10 temperature regulation.

11 ii. The facility shall achieve and maintain compliance with all wastewater
12 discharge standards set by the Metropolitan St. Louis Sewer District.

13 iii. Applicants for Standard and Major Data Centers shall enter into written
14 agreement(s) with the St. Louis City Water Division to:

15 iv. Fund any and all fees required for data centers or new large load users that
16 could be identified out of a cost of service study prior to receiving a
17 building permit.

18 v. Fund any and all system impact fees required for data centers or new large
19 load users that could be identified out of a cost of service study including
20 the cost of a hydraulic model study and rectifying any detrimental impact
21 on existing customers determined by the study prior to receiving a
22 building permit. Prior to a cost of service study's completion, an

1 agreement may also establish a short-term rate.

2 g. Backup Power Systems

3 i. All Data Center applicants are encouraged to minimize the use of diesel,
4 and maximize the use of batteries or natural gas as backup power sources.

5 ii. Except for Backup Generator testing or commissioning activities, Backup
6 Generator use is limited to backup/emergency use only. Backup
7 Generators may never be used as a general operating power source for
8 day-to-day operation of the facility. The facility may not commence
9 operation until complete electric service is provided to the site, and
10 Backup Generators may not be used as a power source in the event of a
11 delay in electric service.

12 iii. Backup Generators shall be fully enclosed within the primary structure or
13 an exterior structure, except for penetrations necessary for the safe and
14 lawful operation, maintenance, or testing of the generator and its
15 supporting systems, including but not limited to intake air, exhaust,
16 cooling, fuel, fluid and electrical connections.

17 iv. Backup Generators shall utilize the cleanest certified emissions tier.
18 Certificates of Conformity demonstrating Tier 4 / NSPS Subpart IIII
19 requirements (if diesel), or level of certification (if not diesel), of all
20 equipment shall be provided prior to any such equipment's testing or use.

21 v. Backup Generators shall meet the performance requirements of the most
22 recent National Fire Protection Association (NFPA) standards for

Emergency and Standby Power Systems.

vi. Backup Generators shall be tested only between 10am and 5pm, Monday through Friday.

vii. Backup Generators shall not be tested on days when the St. Louis Air Quality Index (AQI) is above 50.

h. Environment, Energy & Infrastructure Standards

i. As practicable, facilities shall achieve and maintain LEED certification or certification through a similar green building program for the direction of the data center's operation.

ii. Facilities shall achieve and maintain a peak Power Usage Effectiveness (PUE) of 1.35 or better.

iii. Facilities shall dispose of all electronic waste in an environmentally appropriate manner through the duration of the data center's operation, and maintain an active contract with an R2-certified (Responsible Recycling) or e-Steward certified contractor.

iv. Facilities shall not commence operation until a letter verifying adequate power capacity and infrastructure to serve the facility is provided by an electric service utility.

v. Facilities shall connect to District Energy Systems if located within 50 lineal feet of an existing District Energy System line existing at the time of submission for zoning approval.

vi. Facilities shall not commence operation until a District Energy Willing to

1 Serve letter from a district energy provider is provided. Such a letter shall
2 confirm the system is prepared to extend service to the site, or serve as a
3 written waiver explaining why extension is not feasible.

4 vii. Facilities shall, when feasible, use battery storage for electrical load for
5 ancillary, non- data processing uses such as lighting and outlets in an
6 adjacent office space.

7 viii. All outdoor lighting shall meet the standards of the Dark Sky Initiative or
8 other Bird City recommendations to reduce light pollution.

9 ix. Facilities shall ensure any heat plumes created by the facility are
10 adequately dispersed at the property line to avoid adverse impacts on the
11 health or well-being of individuals outside of the property.

12 x. Standard and Major Data Centers:

13 1. Before an occupancy permit is issued, facilities shall demonstrate
14 their ability to begin operation with a minimum of 50 percent of
15 their anticipated annual electricity use from renewable energy
16 through the electric utility's renewable energy programs, PSC-
17 approved large-load renewable energy programs, clean energy
18 riders, and/or onsite and/or behind-the-meter renewable energy
19 generation and storage, including participation in virtual power
20 plant programs. No more than 50 percent of this requirement may
21 be fulfilled through Local RECS.

22 2. Facilities shall achieve and maintain 95 percent of annual

1 electricity consumption from renewable energy by the end of its
2 10th year in operation through the electric utility's renewable
3 energy programs, PSC-approved large-load renewable energy
4 programs, clean energy riders, and/or onsite renewable energy
5 generation and storage, including participation in virtual power
6 plant programs. Up to 25 percent of this requirement may be
7 fulfilled through Local RECS at any point.

8 3. For each megawatt-hour of annual electricity consumption by
9 which the facility fails to meet the applicable renewable energy
10 requirement, the facility shall be subject to a noncompliance
11 penalty of 125 percent of the market rate for a bundled, retired
12 REC from the MISO region until the shortfall is cured.

13 i. Reporting Requirements for Standard and Major Data Centers

14 i. Facilities shall comply with all applicable environmental, energy, water,
15 and other reporting requirements established by the City.

16 ii. The interim reporting requirements established under subsection (iii) shall
17 expire and be of no further force or effect upon the effective date of a City
18 ordinance governing Data Center Environmental Impact Monitoring.

19 iii. The following interim reporting requirements shall apply to Standard and
20 Major Data Centers:

21 1. Energy: Annually report the total energy consumption of the
22 facility to the Office of Building Performance, with copy to the

1 Zoning Administrator.

- 2 2. Noise: Annually provide a report to the Health
- 3 Director/Commissioner (or his/her designee), with copy to the
- 4 Zoning Administrator, a third-party report, created by an entity
- 5 acceptable to the Health Director/Commissioner, of noise
- 6 emissions to verify compliance with relevant standards and
- 7 identify other issues and mitigation strategies. The first annual
- 8 report shall occur within 30 days of the data center commencing
- 9 operation. Subsequent annual reports shall reflect readings taken
- 10 between the months of June and August, and submitted by
- 11 September 30. Readings should be taken at the parcel line of all
- 12 joining parcels or parcels directly across a street or alley from the
- 13 parcel containing the data center, and shall compare noise levels to
- 14 daytime and nighttime Baseline Noise Levels. The report shall
- 15 include a measure of both dBA and dBC sound levels.
- 16 3. Heat Impacts: Annually report waste heat rejected to the outdoor
- 17 environment to the Executive Director of the Planning and Urban
- 18 Design Agency or his/her designee, with copy to the Zoning
- 19 Administrator, the quantity of waste heat recovered or reused, and
- 20 the dispersion of heat plumes during summer design conditions or
- 21 the hottest days of observation in order to assess urban heat
- 22 impacts and mitigation strategies.

- 1 4. Renewable Energy: Provide an annual report verifying compliance
2 with relevant requirements to the Executive Director of the
3 Planning and Urban Design Agency or his/her designee, with copy
4 to the Zoning Administrator, no later than July 30 of each year.
- 5 5. Air Quality: All reports to the Missouri Department of Natural
6 Resources verifying compliance with Clean Air Act and Air Permit
7 standards, including the actual testing schedule for Backup
8 Generators during the reported period, shall be shared, via copy, to
9 the Health Commissioner or his/her designee.

10 j. Public Impact Agreement – Major Data Center

- 11 i. When approving a conditional use permit for a Major Data Center, the
12 Board of Public Service shall, as an additional condition necessary to
13 ensure the use complies with the standards of Section 26.80.010,
14 subsection E, require the applicant to enter into a Public Impact
15 Agreement with the City. The Director of Public Utilities, or other
16 departmental director serving on the Board of Public Service who is
17 designated by the Board of Public Service, is authorized to execute on
18 behalf of the City the Public Impact Agreement in accordance with this
19 Chapter. A copy of the executed Public Impact Agreement shall be
20 provided to the Building Commissioner, with a copy to the Zoning
21 Administrator, before a building permit is granted. If the Board of Public
22 Service determines that an event constituting default of the Public Impact

1 Agreement has occurred, it may revoke the conditional use permit in
2 accordance with the procedure in Section 26.100.030.

3 ii. The contents of the Public Impact Agreement shall be determined based on
4 the site-specific context of the Major Data Center and its anticipated
5 impact on adjacent parcels, occupants and public infrastructure. For the
6 purpose of protecting the health, safety, and welfare of the surrounding
7 community and residents of the City, the contents of the Public Impact
8 Agreement may address issues, including but not limited to:

- 9 1. Providing tangible benefits to the community by mitigating site-
10 specific impacts on adjacent land use, public infrastructure and the
11 general welfare, such as: noise; air quality; energy usage, including
12 the percentage of energy derived from clean energy sources; water
13 usage; and wastewater treatment and disposal. Benefits to the
14 community:
- 15 2. May be in the form of the dedication of lands for public use or
16 impact fees; and
- 17 3. Must be related to the Data Center development activities that are
18 the subject of the application; and
- 19 4. Must be supported by an individualized determination that the
20 benefit to the community is roughly proportional in scale to the
21 impact being addressed. The individualized determination shall be
22 made by the Board of Public Service, or a departmental director

1 serving on the Board of Public Service designated by the Board of
2 Public Service.

3 5. Additional provisions related to site design, as determined by the
4 Board of Public Service to satisfy the standards of Section
5 26.80.010, subsection E, and which address site design aspects of
6 the Data Center such as: Landscaping; Buffer, screening and
7 fencing; Exterior lighting; Thermal heat mitigation; Cooling
8 systems; and Backup Generators.

9 6. Long-term operational commitments, such as: Noise testing;
10 Electronic waste disposal; Decommissioning; Community
11 feedback and engagement commitments before and during
12 operations; and Emergency management.

13 7. Enforcement, including that the agreement may be enforced by
14 revocation of the applicant's conditional use permit and other
15 remedies available at law.

16 iii. The requirements contained in this Chapter applicable to Major Data
17 Centers shall be considered minimum standards which may be modified
18 upon mutual agreement of the City and the applicant.

19 iv. No provision in a Public Impact Agreement shall be construed as a binding
20 promise by the City to refrain from independent exercise and enforcement
21 of the Zoning Code.

22 v. The Public Impact Agreement shall be approved by the Board of Public

1 Service and by resolution of the Board of Aldermen prior to the granting
2 of a building permit.

- 3 vi. Public comment on the Public Impact Agreement must be accepted during
4 the conditional use hearing process prior to the approval by the Board of
5 Public Service and by the Board of Aldermen.

6 **26.77.060 Applicability.**

7 Unless expressly stated otherwise, Data Centers shall demonstrate compliance with the
8 standards in this Chapter before modifications to the property or building are made as set
9 forth below:

- 10 a. New Facility. Full compliance is required for new Data Centers.
- 11 b. Expansions. Full compliance is required for any enlargements, structural
12 alterations, or changes in data center classification (i.e., Micro, Standard, or Major).
- 13 c. Expansions of Existing Nonconforming Uses and/or Nonconforming Structures.
14 Full compliance is required for any enlargements or structural alterations of
15 Existing Nonconforming Structures and/or Nonconforming Uses as defined in
16 Section 26.08-330-26.08.331. Enlargement shall include an increase in Backup
17 Generator capacity.
- 18 d. Existing Facilities and Previously Approved Facilities. Subject to the provisions of
19 subsection (b), any Data Center lawfully in use or approved by conditional use
20 permit as of the Effective Date of this Chapter shall be considered an existing
21 Nonconforming Use and/or Nonconforming Structure as defined in Section
22 26.08.330-26.08.331 and may be continued without regard to the provisions of this

Chapter, except that discontinuation of the lawful Data Center shall be subject to the provisions outlined in 26.16.060. Conditional use permits approved prior to the effective date of this Ordinance shall be subject to the standard provisions outlined in 26.80.010.D.5.

26.77.070 Application Review Process.

The Zoning Administrator shall provide application materials for any Standard or Major Data Center to the Executive Director of the Planning & Urban Design Agency, the Commissioner of Health, the Fire Marshall, the Department of Public Utilities, including its Water Division, the St. Louis Metropolitan Sewer District, relevant district energy service providers, and the Office of Building Performance. Upon receipt of materials, these entities shall then have no less than 30 days to review and provide findings and recommendations to the Zoning Administrator before a recommendation is submitted to the Board of Public Service. Review by relevant parties may occur in parallel.

26.77.080 Deadline for Review.

The Planning Commission of the City of St. Louis shall take up review of this Chapter no later than 2 years from the Effective Date of this Chapter 26.77 in order to determine necessary changes that respond to evolutions in technology or increased understanding of impacts and opportunities. This review will include an assessment of renewable energy supply and compliance pathways, and an assessment of megawattage thresholds between data center classifications. This requirement for review is directory and not mandatory. The failure of the Planning Commission to conduct the review within the timeframe prescribed

1 herein shall not invalidate, impair, or otherwise affect the legal enforceability, validity, or
2 operation of this Chapter.

3 **SECTION FOUR. Severability Clause.**

4 It is hereby declared to be the intention of the Board of Aldermen that each, and every part,
5 section and subsection of this Ordinance shall be separate and severable from each, and
6 every other part, section, and subsection hereof and that the Board of Aldermen intends to
7 adopt each said part, section, and subsection separately and independently of any other
8 part, section, and subsection. In the event that any part, section, or subsection of this
9 Ordinance shall be determined to be or to have been unlawful or unconstitutional, the
10 remaining parts, sections, and subsections shall be and remain in full force and effect,
11 unless the court making such finding shall determine that the valid portions standing alone
12 are incomplete and are incapable of being executed in accordance with the legislative
13 intent.

14 **SECTION FIVE. Effective Date.**

15 This Ordinance shall take effect and be in full force thirty (30) days after its approval by
16 the Mayor, or thirty (30) days after its adoption over the Mayor's veto.