Summary
Board Bill Number 49
As Amended in Committee
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 AS AMENDED IN COMMITTEE INTRODUCED BY ALDERWOMAN ANNE SCHWEITZER
COSPONSORS: ALDERWOMAN ALISHA SONNIER/ALDERWOMAN SHAMEEM CLARK 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); Bundled Renewable Energy Credits (RECs); Unbundled 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.

26.77.020 Definitions.

1. ***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.
2. ***Baseline Noise Level:*** Baseline noise level means a measure of noise, taken at the property line pre-application, that establishes dBA and dBC noise levels averaged over a 60-minute measurement period. Measurements shall include daytime levels (e.g., taken between 7:00 a.m. and 1:00 p.m.,) and nighttime levels (i.e., taken between 10:00 p.m. and 7:00 a.m.).
3. ***Bundled Renewable Energy Credits (RECs)***: Means RECs that a customer received from a renewable generating facility where the attribute is provided with the actual renewable generation from a renewable facility located within the utility service territory, the State of Missouri, or MISO, and retired on behalf of the facility.
4. ***Cool Roof:*** Cool Roof means a roofing system designed to reflect more sunlight and emit absorbed heat with a minimum Solar Reflectance Index of 90.
5. ***Data Center:*** Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data and that houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage, processing, and related operations. Data center uses include data storage facilities, server farms, artificial intelligence training or processing, image processing,

cloud computing, email servicing, and similar uses. A Data Center may be a primary or secondary use.

6. ***Data Center, Major:*** Major Data Center means a data center with square footage greater than 250,000 and less than 500,000, or with a Maximum Power Demand of 30 megawatts or more.
7. ***Data Center, Micro:*** Micro Data Center means a data center with square footage less than 10,000 gross square feet and Maximum Power Demand less than 5 megawatts.
8. ***Data Center, Standard:*** Standard Data Center means a data center with square footage of more than 10,000 gross square feet and less than 250,000, and Maximum Power Demand of more than 5 megawatts but less than 30 megawatts.
9. ***District Energy System:*** District Energy System means the Downtown Steam Distribution System and/or the planned Chilled Water Loop.
10. ***Green Roof:*** Green Roof means a vegetated roofing system which is functionally integrated onto a roof area.
11. ~~***Local Renewable Energy Credits (RECs):*** Local RECs means bundled RECs generated by renewable energy facilities located within the utility service territory, the State of Missouri, or the MISO region, and retired on behalf of the facility.~~
12. ***Maximum Power Demand:*** Maximum Power Demand means the facility's highest level of connected electricity load, in megawattage, for critical IT and building systems and equipment, via a single point of interconnection with an electric service provider.

13. ***Public Impact Agreement:*** Public Impact Agreement means a binding contract for the purpose of protecting the health, safety, and welfare of the residents of the City.

14. ***Renewable Energy:*** Renewable Energy means energy derived from wind, solar, geothermal, or other non-depleting sources of renewable energy.

15. ***Server Room:*** Server room means an accessory facility with less than 1 megawatt in Maximum Power Demand that supports routine functions of the primary use. Server rooms are not subject to the requirements of this Chapter 26.77.

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

17. ***Unbundled Renewable Energy Credits (RECs)***: Means RECs that a customer received from a renewable generating facility where the attribute is provided without the accompanying renewable energy generation; however, the attribute must be from a renewable energy generating facility located within the utility service territory, the State of Missouri, or MISO, and retired on behalf of the facility.

26.77.030. Use Table.

The following Use Table lists how Data Centers are regulated in the various existing zoning districts. Within the table, the user can identify the type of Data Center and how the facility is regulated under each zone, thus identifying whether the use is Permitted (P), whether it 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

26.77.040 Application Requirements.

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

1. The classification of the proposed data center (i.e., Micro, Standard, or Major).
2. 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. Elevations shall include indications of exterior building materials, as well 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. The applicant shall submit a fuel delivery and refueling plan demonstrating that all fuel deliveries and refueling activities will occur on the property and not take place in the public right of way.

5. 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.
6. Megawattage of Maximum Power Demand.
7. 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.
8. A scope, schedule, and budget for implementation of the renewable energy threshold.
9. Whether the applicant has: an executed an Interconnection Study Agreement, Construction Agreement, and/or Electric Service Agreement with an electric service provider; has received a Will Serve letter from an electric service provider; and/or has proof of on-site, connected to the grid generation or behind the meter that demonstrates how the applicant will meet renewable energy thresholds. If so, the applicant shall provide copies 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, as measured by a third-party noise measurement professional approved by the city 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).
9. Anticipated annual water use and anticipated or committed Power Usage Effectiveness (PUE) and Water Usage Effectiveness (WUE) for both peak and average annual demand.

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

11. If new construction, 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.

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

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

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

3. An environmental impact report prepared by a third-party credentialed professional environmental engineer selected by the City of St. Louis describing:

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

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

    c. Anticipated stormwater impacts and mitigation.

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

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

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

5. Plans to remove infrastructure and equipment from the site should the data center cease operation.
6. A letter of attestation from the electricity provider describing any impacts to ratepayers or grid reliability of required new power generation or other infrastructure upgrades to serve the project.
7. Documentation of having advertised and held at least one meeting with community members during which project information is shared, feedback is invited, and questions are answered. All information and documents presented at such a meeting shall be made publicly available and must be submitted during the application process.
    a. Advertisement: Such a meeting is to be advertised no fewer than 15 days prior to the meeting's date, with notification provided by email to all Registered Neighborhood Organizations having a geographical boundary within a one mile radius of the proposed data center; by email to all Neighborhood Improvement Specialists; by email to relevant City departments and agencies (i.e., Planning & Urban Design Agency, Health Department, Zoning Section of the Building Division, St. Louis Development Corporation); by mail to all residents and property owners within a 1,000 foot radius of the subject property; and by email to all state and local elected officials representing residents of the surrounding 1 mile of the proposed location.

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

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

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

26.77.050 Site Requirements, Design Requirements, and Standard Conditions.

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

a. Location Requirements

i. Data Center buildings, Backup Generators, and other associated noise- or light-emitting infrastructure shall have the following setbacks from the lot lines of parcels zoned A, B, C, D, E, F, and G, parcels containing a light rail station or transit center, and parcels containing a school or public park:

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

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

b. Area Standards

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

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

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

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

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

c. Noise and Vibration Controls

i. The facility shall have no unabated nuisance violations.

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

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

d. Building Systems & Equipment Design & Screening

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

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

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

1. For the purposes of this provision enclosed shall include sound attenuated or soundproof enclosures that are standard for the original equipment manufacturer.

iv. All exterior and rooftop cooling equipment, and any other infrastructure to provide a visual and acoustic barrier from the property line and surrounding area, shall be enclosed or screened. Enclosures and screens shall be opaque to obstruct from view and reduce frequency and vibrations.

v. On-site stand-alone fuel storage shall be visually and physically screened behind a masonry wall, and set back at least 30 feet from the property line, and installed on an engineered concrete pad designed with spill containment.

e. Site & Urban Design Standards

i. All principal and accessory structures and energy systems associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. Data Centers that visually approximate commercial office buildings are encouraged. All Backup Generators and other external equipment shall be located to the side or rear of the Data Center building.

ii. Properties shall be well landscaped. A tree lawn not less than 3 feet in width along all public streets shall be required where setbacks,

underground infrastructure, and available right of way make it practicable, and where this subsection does not conflict with streetscaping designs or plans of the Board of Public Service, a Community Improvement District, or other formal political subdivision or tax district in which the Data Center is located. Street trees shall be installed in the tree lawn, between the public sidewalk and public street, when the tree lawn has sufficient width, or street trees with grates shall be installed in public sidewalks where the sidewalk has sufficient width with a maximum of 25 feet between trees. All street trees shall be irrigated. In the K district, Data Centers may install a landscape berm as an alternative to a tree lawn. Additional landscaping requirements may be included in a Public Impact Agreement.

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

iv. Primary structures shall include these design features:

1. Windows, doors, or similar fenestration shall be distributed both horizontally and vertically and comprise at least 30 percent of the façades.
2. Glass transparency on windows shall be greater than 80 percent. Faux windows and covered windows are prohibited.
3. Signs must meet the requirements of the underlying code.

4. At least one main entrance that projects or is recessed from the main building plane, and is differentiated from the remainder of the building façade, is required.
5. Exterior materials shall be compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry, EIFS, and cementitious fiberboard are not permitted.
6. All loading and unloading areas, including overhead doors, shall be oriented towards the side or rear property lines away from public roadways. Loading docks are not permitted in the front or street side yards and shall not be oriented towards the front property line.
7. Projects located in local historic or form-based districts are subject to the design standards of that district.

f. Water Responsibility

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

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

iii. Applicants for Standard and Major Data Centers shall enter into written

agreement(s) with the St. Louis City Water Division to:

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

v. Fund any and all system impact fees required for data centers or new large load users that could be identified out of a cost of service study including the cost of a hydraulic model study and rectifying any detrimental impact on existing customers determined by the study prior to receiving a building permit. Prior to a cost of service study's completion, an agreement may also establish a short-term rate.

g. Backup Power Systems

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

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

iii. Backup Generators shall be fully enclosed within the primary structure or

an exterior structure, except for penetrations necessary for the safe and lawful operation, maintenance, or testing of the generator and its supporting systems, including but not limited to intake air, exhaust, cooling, fuel, fluid and electrical connections.

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

v. Backup Generators shall meet the performance requirements of the most 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 Serve letter from a district energy provider is provided. Such a letter shall confirm the system is prepared to extend service to the site, or serve as a written waiver explaining why extension is not feasible.

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

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

ix. Facilities shall ensure any heat plumes created by the facility are adequately dispersed at the property line to avoid adverse impacts on the

health or well-being of individuals outside of the property.

x. Standard and Major Data Centers:

~~1. Before an occupancy permit is issued, facilities shall demonstrate their ability to begin operation with a minimum of 25 percent of their anticipated annual electricity use from renewable energy through the electric utility's renewable energy programs, PSC-approved large-load renewable energy programs, clean energy riders, onsite and/or behind-the-meter renewable energy generation and storage, including participation in virtual power plant programs, or retirement of equivalent bundled RECs yearly.~~

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. ~~Facilities shall achieve and maintain 50 percent of annual electricity consumption from renewable energy by the end of its 5th year in operation~~

~~through the electric utility's renewable energy programs, PSC-approved large-load renewable energy programs, clean energy riders, and/or onsite renewable energy generation and storage, including participation in virtual power plant programs. Only 25 percent of this requirement may be fulfilled through unbundled REC retirement. 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. A facility may apply for a one-time, no more than one year waiver with the Board of Public Service to allow for unbundled REC purchases above the 25 percent cap in limited circumstances, in which an unforeseeable event or circumstance has delayed a facility's compliance progression.~~

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 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. 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. Facilities shall achieve and maintain 100 percent of annual electricity consumption from renewable energy by the end of its 10th year in operation through the electric utility's renewable energy programs, PSC-approved large-load renewable energy programs, clean energy riders, and/or onsite renewable energy generation and storage, including participation in virtual power plant programs. Up to 25 percent of this requirement may be fulfilled through unbundled RECs.~~

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.

i. Reporting Requirements for Standard and Major Data Centers

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

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

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

1. Energy: Annually report the total energy consumption of the facility to the Office of Building Performance, with copy to the Zoning Administrator.
2. Noise: Annually provide a report to the Health Director/Commissioner (or his/her designee), with copy to the Zoning Administrator, a third-party report, created by an entity

acceptable to the Health Director/Commissioner, of noise emissions to verify compliance with relevant standards and identify other issues and mitigation strategies. The first annual report shall occur within 30 days of the data center commencing operation. Subsequent annual reports shall reflect readings taken between the months of June and August, and submitted by September 30. Readings should be taken at the parcel line of all joining parcels or parcels directly across a street or alley from the parcel containing the data center, and shall compare noise levels to daytime and nighttime Baseline Noise Levels. The report shall include a measure of both dBA and dBC sound levels.

3. Heat Impacts: Annually report waste heat rejected to the outdoor environment to the Executive Director of the Planning and Urban Design Agency or his/her designee, with copy to the Zoning Administrator, the quantity of waste heat recovered or reused, and the dispersion of heat plumes during summer design conditions or the hottest days of observation in order to assess urban heat impacts and mitigation strategies.

4. Renewable Energy: ~~Provide an annual report verifying compliance with relevant requirements to the Executive Director of the Planning and Urban Design Agency or his/her designee, with copy~~

Provide an annual report verifying compliance with relevant requirements including progress reports documenting efforts to build, secure, contract, or otherwise purchase renewable energy and renewable energy credits to comply with this provision. The report shall be submitted to the Executive Director of the Planning and Urban Design Agency or his/her designee, with copy to the Zoning Administrator, no later than July 30 of each year.

5. Air Quality: All reports to the Missouri Department of Natural Resources verifying compliance with Clean Air Act and Air Permit standards, including the actual testing schedule for Backup Generators during the reported period, shall be shared, via copy, to the Health Commissioner or his/her designee.

j. Public Impact Agreement – Major Data Center

i. When approving a conditional use permit for a Major Data Center, the Board of Public Service shall, as an additional condition necessary to ensure the use complies with the standards of Section 26.80.010, subsection E, require the applicant to enter into a Public Impact Agreement with the City. The Director of Public Utilities, or other departmental director serving on the Board of Public Service who is designated by the Board of Public Service, is authorized to execute on behalf of the City the Public Impact Agreement in accordance with this

Chapter. A copy of the executed Public Impact Agreement shall be provided to the Building Commissioner, with a copy to the Zoning Administrator, before a building permit is granted. If the Board of Public Service determines that an event constituting default of the Public Impact Agreement has occurred, it may revoke the conditional use permit in accordance with the procedure in Section 26.100.030.

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

1. Providing tangible benefits to the community by mitigating site-specific impacts on adjacent land use, public infrastructure and the general welfare, such as: noise; air quality; energy usage, including the percentage of energy derived from clean energy sources; water usage; and wastewater treatment and disposal. Benefits to the community:
2. May be in the form of the dedication of lands for public use or impact fees; and
3. Must be related to the Data Center development activities that are

the subject of the application; and

4. Must be supported by an individualized determination that the benefit to the community is roughly proportional in scale to the impact being addressed. The individualized determination shall be made by the Board of Public Service, or a departmental director serving on the Board of Public Service designated by the Board of Public Service.
5. Additional provisions related to site design, as determined by the Board of Public Service to satisfy the standards of Section 26.80.010, subsection E, and which address site design aspects of the Data Center such as: Landscaping; Buffer, screening and fencing; Exterior lighting; Thermal heat mitigation; Cooling systems; and Backup Generators.
6. Long-term operational commitments, such as: Noise testing; Electronic waste disposal; Decommissioning; Community feedback and engagement commitments before and during operations; and Emergency management.
7. Enforcement, including that the agreement may be enforced by revocation of the applicant's conditional use permit and other remedies available at law.

iii. The requirements contained in this Chapter applicable to Major Data

Centers shall be considered minimum standards which may be modified upon mutual agreement of the City and the applicant.

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

v. The Public Impact Agreement shall be approved by both a simple majority, meaning more than one-half (½) of the votes of the Board of Public Service; and shall also be approved as a Resolution by at least two-thirds (2/3) of the votes of the Board of Aldermen, prior to the granting of a building permit.

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

26.77.060 Applicability.

Unless expressly stated otherwise, Data Centers shall demonstrate compliance with the standards in this Chapter prior to the issuance of a building permit for development, modification, or expansion as set forth below:

a. **New Facility.** Full compliance is required for new Data Centers. New data center occupants within existing Data Center buildings are addressed by Section 26.77.060.d.

b. **Expansions.** For Data Centers approved by conditional use permit under the provisions of this Chapter, full compliance is required for any enlargements,

structural alterations, or increase in data center size classification (i.e., Micro, Standard, or Major).

c. **Expansions of Existing Nonconforming Structures.** Full compliance is required for any physical expansion or enlargement of a structure lawfully existing and occupied by or used as a Data Center on the Effective Date of this Chapter. However, structural alterations which do not enlarge the physical exterior footprint of the existing structure or height shall not trigger full compliance with the provisions of this Chapter. Instead, such alterations shall trigger compliance solely with the following standards:

i. Section 26.77.050.c: Noise and Vibration Controls;

~~ii. Section 26.77.050.d: Building Systems & Equipment Design & Screening, solely applicable in relation to new equipment or new Backup Generators associated with the structural alteration;~~

~~iii. Section 26.77.050.g Backup Power Systems, solely for any new Backup Generators associated with structural alterations; with the exception that new Backup Generators shall utilize at least Tier 2 / NSPS Subpart IIII (if diesel), or level of certification (if not diesel), of all equipment shall be provided prior to any such equipment's testing or use.~~

ii. Section 26.77.050.d: Building Systems & Equipment Design & Screening, solely applicable in relation to new equipment or new Backup Generators associated with the structural alteration; the enclosure structures for Backup Generators can include sound attenuated enclosures supplied by the generator manufacturer or an equivalent product; the Cool Roof, Green Roof, or rooftop photovoltaic solar panel requirement shall only be applicable when structural alterations are made to the roof; and (v) shall not apply to existing fuel tanks or replacement fuel tanks as long as the replacement tanks are comparable in terms

of capacity, size, and character to the existing fuel tanks and no structural alteration is made requiring the fuel tank replacement;

iii. Section 26.77.050.g Backup Power Systems, solely for any new Backup Generators associated with structural alterations; with the exception that new Backup Generators shall utilize at least Tier 2 *I* NSPS Subpart IIII (if diesel), or level of certification (if not diesel), of all equipment shall be provided prior to any such equipment's testing or use; the enclosure structures for Backup Generators can be satisfied with sound attenuated enclosures supplied by the generator manufacturer or an equivalent product;

iv. Section 26.77.050.h.ii-iii: Electronic waste disposal requirements and except that legal non-conforming facilities shall target a goal of PUE of 1.35 or better and submit reports of the facility's peak PUE for the preceding year and annualized PUE by May 1st each year, if possible;

v. Section 26.77.050.h.x: Applicants shall only be required to submit a scope, schedule, and budget for implementation of voluntary renewable energy use within the facility; there shall be no minimum renewable energy requirement; and

vi. Section 26.77.050.i: Reporting Requirements for Standard and Major Data Centers, shall be applicable solely in relation to new lease(s), licenses, or tenant(s) associated with the structural alteration. Reports on renewable energy use may be substituted for reports on the Renewable Energy Requirements required for new facilities.

~~vii. If a new structure is constructed for vibration, heat, and noise abatement of new Backup Generators, it shall be deemed a structural alteration and not be considered a physical expansion or enlargement of an existing~~

~~Nonconforming Structure. However, such structures shall not exceed 30 feet in width along the primary frontage, and shall be designed with exterior materials that are compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry, EIFS, and cementitious fiberboard are not permitted.~~

~~vii.~~ If a new structure outside the footprint of the Data Center building is constructed for vibration, heat, and noise abatement of new Backup Generators or screening of fuel tanks, it shall be deemed a structural alteration and shall not be considered a physical expansion or enlargement of an existing Nonconforming Structure. However, when built at grade along the primary street frontage, such a new structure shall not exceed 30 feet in width along the primary frontage, and shall be designed with exterior materials that are compatible in type and texture with the dominant materials of adjacent buildings. Artificial masonry, EIFS, and cementitious fiberboard are not permitted.

d. **Existing Nonconforming Uses and/or Nonconforming Structures, and Previously Approved Facilities.**

i. Subject to the provisions of subsection (c);

1. Any Data Center building lawfully in use or approved by conditional use permit, or any Data Center building tenant, licensee, or operator in use or operating, as of the Effective Date of this Chapter shall be considered an existing Nonconforming Use and/or Nonconforming Structure as defined in Sections 26.08.330 and 26.08.331, respectively, and may be continued without regard to the provisions of this Chapter, except that discontinuation or abandonment of a lawfully existing or approved Data Center shall be subject to the provisions in Section 26.16.060 (Discontinuing nonconforming use). Legal nonconforming status shall extend to existing and future

lessees and licensees of a Data Center building.

2. The addition, modification, replacement, removal or increased capacity of Backup Generators and associated infrastructure including rooftop dunnage shall not be considered a building enlargement or structural alteration to an existing Data Center building.
3. Nonconforming Use and/or Nonconforming Structure status shall attach to the Data Center building or structure as a whole and includes all space within such building or structure, whether leased or licensed (now or in the future) or vacant, together with all power, cooling, fiber, generator, fuel, screening, enclosure, and related infrastructure for Data Center uses within such building or structure.
4. Conditional use permits approved prior to the Effective Date of this Chapter shall remain valid in accordance with their approved conditions, subject to the time limitation on such validity as outlined in Section 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 herein shall not invalidate, impair, or otherwise affect the legal enforceability, validity, or operation of this Chapter.

SECTION FOUR. Severability Clause.

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

SECTION FIVE. Effective Date.

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