Model Data Center Zoning Ordinance

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Audience: City councils, county boards, planning commissions, zoning staff, residents, developers, utility reviewers, and local counsel.

Purpose: Establish a stringent, measurable local land use model that protects homes, productive land, water, utility customers, emergency responders, and public finances throughout the life of a data center.

This model classifies principal data centers by their maximum power demand.

- A facility of no more than 5 megawatts may be considered only in a specifically designated commercial or industrial district;
- one above 5 through 20 megawatts only in a designated industrial or heavy industrial district;
- and one above 20 through 250 megawatts only in a designated heavy industrial district.
- Every principal facility requires an individualized conditional use approval.
- A campus above 250 megawatts is prohibited.
- Approval requires proof that the complete development can meet enforceable limits.
- A favorable economic forecast, a large investment, or a state incentive designation does not substitute for that proof. The model supplies proposed numerical standards rather than leaving basic protections to negotiation.

The ordinance text begins under Authority and coverage.

Before enactment, the adopting government must insert its name, statutory authority, district names, effective date, appeal references, and legally authorized fee and penalty provisions. Its adoption record must support the dimensional and performance choices.

The proposed sound limits are more restrictive than the planning commission model identified in the source notes. No nationwide survey establishes that every provision is the strictest existing rule, and no number guarantees the absence of every effect.

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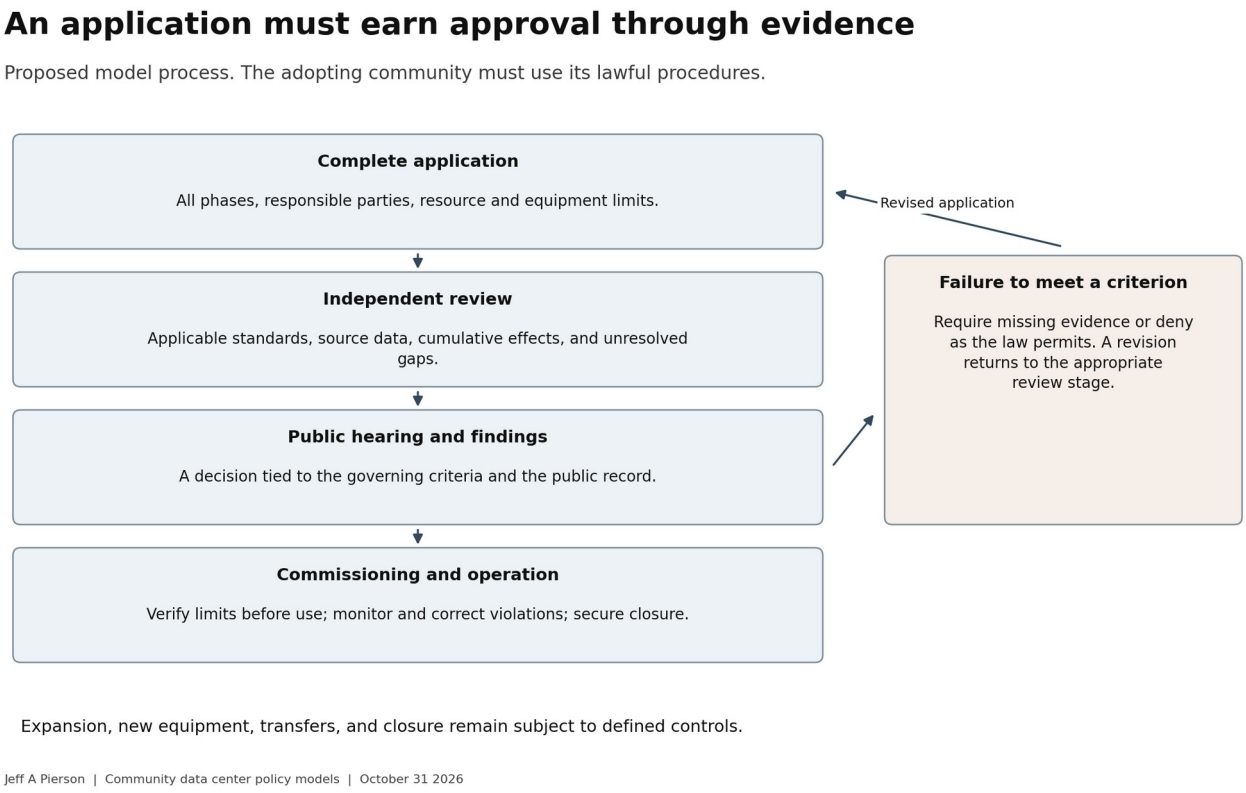
Process



Review sequence from application through closure

Authority and coverage

ZO A. The adopting government establishes this ordinance under its lawful land use and police powers to protect public health, safety, property, agricultural resources, water, infrastructure, and community character. The ordinance applies within that government's jurisdiction. It does not confer authority over a neighboring government's land, a utility regulator's rates, a federally preempted activity, or a state agency's exclusive permit decision.

ZO A.1. This ordinance applies to a new principal data center, conversion to that use, expansion, and material modification after its effective date. Ownership changes, separate parcels, shell companies, leases, mobile containers, and construction phases shall not divide one integrated development into smaller applications to avoid review. Related facilities sharing operational control, a common development plan, dedicated infrastructure, or a contiguous campus shall be evaluated together. An unrelated neighboring facility shall be included in cumulative impact analysis without automatically being treated as the applicant's property.

ZO A.2. Lawfully established uses and legally vested applications shall receive the protection required by controlling law. An applicant claiming that protection shall identify the specific approval, filing, construction, or reliance and the legal basis. Staff shall issue a written determination with the applicable appeal route. A general recruitment discussion, nondisclosure agreement, utility inquiry, or incentive request alone shall not be treated as a land use approval.

ZO A.3. This ordinance shall not be administered to inspect lawful expressive content or favor a political, religious, or other viewpoint. Land use review shall regulate physical use, resource demand, risk, and infrastructure effects. Any separate tax incentive, procurement, or statutory operational eligibility program shall be administered under its own lawful authority and constitutional limits.

Definitions that determine coverage

ZO B. A principal data center is a building, group of buildings, equipment yard, or container installation whose principal use is housing computing, storage, networking, or related electronic processing equipment together with supporting power, cooling, or communications systems. Coverage includes enterprise, cloud, colocation, artificial intelligence, and

cryptocurrency computation facilities. A commercial label, low initial occupancy, or initial electric demand below a particular megawatt level shall not exempt a principal use.

ZO B.1. Accessory computing is computing genuinely incidental and subordinate to a lawful principal use on the same premises, such as a school, hospital, farm, public office, or ordinary business. It shall not include a separately marketed hosting operation, a detached industrial computing campus, or a facility whose principal physical use is computing despite a nominal administrative office. Staff shall determine classification from floor use, equipment, energy and cooling configuration, contracts, and the relationship to the claimed principal use, through a written, appealable determination. Accessory status does not excuse generally applicable fire, building, noise, water, or environmental requirements.

ZO B.2. A protected receptor includes the property boundary of an existing dwelling, a lawfully approved residential subdivision, land zoned for residential use, a school, child care facility, place of worship, hospital, nursing facility, or designated public nature preserve. For a dwelling on a large agricultural parcel, the protected receptor shall include the dwelling and its established residential yard; the agricultural zoning prohibition remains independently applicable. A project shall not count a dwelling acquired for demolition as eliminating protection for other receptors.

ZO B.3. The operating envelope is the enforceable schedule of maximum development and operation approved under ZO L. A material modification is a change that increases an approved envelope limit, changes a primary fuel or cooling method, adds generation or battery capacity, moves a material sound source closer to a protected receptor, expands the disturbed footprint, or creates an impact not evaluated in the decision. Equivalent equipment replacement requires a written determination under ZO N.2.

ZO B.4. Maximum utilization capacity, stated in megawatts (MW), means the highest sustained simultaneous electric demand of the complete principal data center at its authorized full buildout, including information technology, cooling, electrical losses, lighting, and other supporting loads, regardless of whether power comes from a utility, on site generation, a battery, or a combination. It shall be determined from the greatest credible operating load shown by the application, utility or fuel service request, signed capacity commitments, engineering design, installed or proposed equipment, or publicly offered capacity. The applicant shall disclose the assumptions and the maximum concurrent load in each normal operating mode. Standby generators and batteries shall not be added a second time to the same load merely because they can replace the ordinary supply; their actual concurrent operating contribution and environmental effects shall still be reviewed. Momentary motor starts shall be evaluated separately for service design and safety rather than treated as sustained capacity. All related buildings, phases, parcels, controlling affiliates, direct tenants, and subtenant operations physically using the integrated campus shall be aggregated under ZO A.1.

District eligibility and protected land

ZO C. **Principal data centers shall be prohibited in agricultural, residential, mixed residential, conservation, and open space districts**. A principal data center at or below 5 MW may be considered only in the adopting government's specifically designated commercial or industrial district. One above 5 MW through 20 MW may be considered only in a specifically designated industrial or heavy industrial district. One above 20 MW through 250 MW may be considered only in a specifically designated heavy industrial district. A principal data center above 250 MW shall be prohibited in every district; a conditional use permit, phase plan, administrative waiver, or variance shall not exceed that limit.

Every principal data center, including one below 1 MW and one in a commercial district, requires conditional use approval under the same otherwise applicable performance and evidence standards.

A generic warehouse, office, telecommunications, utility, commercial, or industrial designation alone shall not authorize the use. The adopting ordinance shall identify the exact eligible districts and amend its use table at the same time.

ZO C.1. A rezoning request shall be considered under the comprehensive plan, the applicable statutory process, and the development's complete impacts. Eligibility to request rezoning is not approval. Officials shall evaluate the loss of productive land, alternative industrial sites, water and energy infrastructure, housing conflicts, existing agricultural operations, and cumulative development. Recruitment commitments shall not predetermine the vote.

ZO C.2. New principal data centers shall not convert mapped prime farmland or farmland of statewide importance within a locally adopted agricultural protection overlay. The overlay shall be adopted with a public map, parcel correction process, current USDA soil information supplemented by local verification, and findings addressing existing development, irrigation, agricultural continuity, and state law. Until that overlay is adopted, ZO C's agricultural district prohibition controls; a soil label shall not silently create an unmapped overlay.

ZO C.3. The applicant shall map wetlands, flood hazards, wells, source water areas, irrigation works, drainage, habitat, historic resources, easements, and neighboring agricultural operations. Required agency approvals and legally applicable resource buffers shall be satisfied. New development shall not block lawful irrigation, drainage, farm access, or established easements. The applicant shall evaluate brownfields and already disturbed industrial land before seeking conversion of productive land.

Separation height screening and lighting

ZO D. Buildings, cooling equipment, substations serving the project, generator yards, and battery installations shall be at least 1,000 feet from a protected receptor, measured horizontally from the nearest equipment or building exterior. Measurement shall not be reduced by moving a parcel line within a related development.

A minimum 200 foot vegetated buffer shall be maintained within the project along boundaries facing protected receptors and public roads. Required separation and buffering shall be cumulative, although the buffer may occupy part of the separation area.

ZO D.1. Principal buildings shall not exceed one story or 24 feet above the finished grade established in the approved grading plan. Artificial fill shall not be used to defeat the height limit. Rooftop mechanical equipment shall be prohibited. Equipment required by superior safety law, including required stacks and emergency communications**, shall be located and screened** as far as lawful safety requirements permit; this exception does not authorize an additional occupied story or rooftop cooling plant.

ZO D.2. The application shall include leaf on and leaf off views from public roads and protected receptors, verified terrain, existing and proposed vegetation, and the proposed final grading. Earth toned, nonreflective exterior surfaces, facade articulation at intervals no greater than 75 feet, and screened mechanical yards shall be required.

Buildings shall not project above a natural ridgeline from the identified public viewpoints. Fences shall not exceed eight feet except where a documented safety requirement makes a greater height necessary; the additional height shall be screened without obstructing emergency access.

Required signs and lawful identification shall comply with the general sign code; illuminated advertising and architectural floodlighting shall be prohibited.

ZO D.3. Exterior luminaires shall be fully shielded with no direct upward light output, a correlated color temperature no greater than 2,200 kelvin, and no more than 0.01 footcandle of project attributable vertical illuminance at a protected receptor boundary, measured five feet above grade with the meter facing the greatest project contribution.

Photometric plans shall identify fixture outputs, mounting heights, shielding, aiming, control zones, and calculated boundary values. An approved lighting installation shall be field tested at its maximum scheduled output before regular operation. Internal light visible through openings shall be included in the trespass evaluation.

ZO D.4. Lighting outside occupied work areas shall switch off or dim to the lowest required level within 15 minutes after activity ceases. Motion activation shall be directed to the area being used.

Required exit, emergency response, aviation, and occupational safety lighting may operate to the extent required by superior law. The applicant shall identify the exact conflict and use shielding and controls that reduce spill without defeating the safety requirement. General assertions about security shall not excuse unnecessary glare.

Sound limits and measurement

ZO E. All project sources combined shall meet the following source attributable outdoor limits at every protected receptor. Daytime is 7 a.m. to 7 p.m. Nighttime is 7 p.m. to 7 a.m. Each limit applies to every 15 minute measurement interval during the applicable period; a quiet hour shall not offset a louder interval.

Metric		
A weighted equivalent level LAeq15min	40 dBA	35 dBA
C weighted equivalent level LCeq15min	60 dBC	50 dBC
A weighted maximum level LAFmax during routine operations or testing	50 dBA	45 dBA

Tonal or repetitive impulsive correction added to LAeq15min	5 dB when either characteristic is present	5 dB when either characteristic is present

ZO E.1. The five decibel correction shall be applied once when either characteristic is present, without stacking two corrections. A prominent discrete tone exists when a one third octave band exceeds the arithmetic average of the two adjacent bands by at least 15 dB at center frequencies from 25 through 125 hertz, 8 dB from 160 through 400 hertz, or 5 dB from 500 through 10,000 hertz.

Repetitive impulsive sound means repeated, distinct pressure peaks caused by project machinery or testing; ordinary continuous broadband fan sound alone is not impulsive. The C weighted limit remains independently applicable.

ZO E.2. The project shall also meet the following proposed source attributable, unweighted octave band limits during nighttime operation. Daytime band limits are five decibels higher. These are model policy limits, not a declaration of a universal health threshold. The adopting government shall obtain an acoustic professional's review of these values, the measurement floor, and the local sound environment in its adoption record.

Octave band center frequency in hertz	Nighttime maximum Leq15min in dB
31.5	60
63	50
125	42
250	35
500	30
1,000	27
2,000	25
4,000	23
8,000	21

ZO E.3. A qualified independent acoustic professional shall review a baseline survey, all equipment sound power information, and cumulative predictions for the entire approved campus. The baseline shall include at least seven consecutive days spanning weekday and weekend conditions, with representative daytime and nighttime periods and documented weather.

The assessment shall cover the measured spectrum from 20 hertz through 20,000 hertz, all cooling and electrical equipment, generator starts and testing, construction, credible emergency operation, and simultaneous operation at the maximum permitted condition.

Predictions shall address seasonal leaf loss, terrain, barriers, prevailing and adverse propagation, and equipment degradation. Trees alone shall not be credited as a guaranteed low frequency sound barrier.

ZO E.4. Compliance measurements shall use a calibrated Class 1 integrating sound level meter capable of A and C weighting and one third octave analysis. The report shall state the adopted instrumentation standard and edition, calibration checks before and after testing, microphone position and windscreen, weather, operating loads, concurrent sources, exclusions, uncertainty, and source attribution method.

The operator shall provide controlled source shutdown or staged testing where necessary to distinguish its contribution. Background sound shall not raise the numerical limits. When the source cannot be reliably separated from background, the reviewer shall state the measurement limitation and require another defensible method rather than record an unsupported compliance finding.

ZO E.5. Routine generator testing shall occur only Monday through Friday from 10 a.m. to 4 p.m., excluding legal holidays, with at least 48 hours' public notice identifying expected duration and a contact. Starts, testing, and load bank exercises shall meet daytime limits.

Generator banks shall not be tested simultaneously unless the approved study and field verification demonstrate compliance. Necessary generation and directly necessary ancillary operation during an actual unplanned loss of normal

power or an imminent threat to life or safety may temporarily exceed this section's schedule and sound limits, only to the extent and for the duration necessary to respond safely.

The operator shall use practicable sound controls and the minimum safe operating configuration, record the cause, start, end, equipment and measured levels, and notify the government within 24 hours. For an event lasting more than 24 hours, the operator shall provide daily status and mitigation updates.

Within 30 days after a material event, it shall submit a cause and recurrence prevention report. Predictable recurring failures require a corrective plan and shall not become an ordinary operating exemption. Economic dispatch, peak price avoidance, routine testing, planned demand response, and a planned outage that can safely be accommodated by scheduling or curtailment are not emergencies. Controlling emergency orders and superior safety law remain applicable. This limited sound exception does not waive air permit restrictions or other applicable law.

Water cooling and heat protection

ZO F. Groundwater and surface water shall not be used for cooling a new principal data center or its expansion. This prohibition applies to every cooling method and operating mode, including evaporative cooling, once-through cooling, initial system filling, replacement water, makeup water, treatment processes serving cooling equipment, cooling of on-site generation, and backup or emergency cooling. Recirculating or closed-loop operation does not create an exemption.

The prohibition applies regardless of whether the water is potable or nonpotable, obtained under a new or existing water right, withdrawn through a new or existing well or surface water diversion, acquired through a transferred or purchased entitlement, or supplied by a utility, water district, third party, pipeline, or truck. An existing well, water right, supply agreement, or agency authorization shall not exempt a new cooling demand. The source of the water, rather than its supplier or delivery method, determines compliance.

Reclaimed wastewater and captured precipitation may be used for cooling subject to ZO F.1. Reclaimed wastewater means wastewater collected after a separate prior use and treated and authorized for reuse. Groundwater or surface water shall not qualify as reclaimed wastewater merely because it has been treated, relabeled, routed through another facility, or mixed with reclaimed water. Reclaimed wastewater does not become prohibited solely because water used before reclamation originally entered the regional system from groundwater or surface water. Captured precipitation means rain or snow collected before entering a stream, lake, reservoir, or groundwater supply. Fresh groundwater or surface water added to either permitted source for cooling shall be prohibited.

Lawfully protected existing uses remain governed by ZO A.2, and the competent water agency retains authority over water rights. Domestic sanitation and code-required firefighting water are separate uses and shall not supply, supplement, or serve as a backup for cooling. No staff approval, permit condition, supply authorization, or provision of this section shall create an exception to the cooling prohibition.

The applicant shall submit a complete water balance for every cooling loop, initial fill, makeup supply, treatment process, discharge, and operating mode. Each external supply shall be identified by origin and quantity, with documentation demonstrating compliance with the cooling prohibition. A closed loop inside a building shall not be represented as water free if an external system consumes water.

ZO F.1. Any proposed reclaimed wastewater or captured precipitation supply for cooling shall be supported by lawful supply rights, applicable treatment and reuse authorization, drought availability, competing demands, storage capacity, discharge capacity, and quantified annual and peak day limits. A nonpotable designation alone shall not establish eligibility. No cooling supply or contingency arrangement shall rely on prohibited groundwater or surface water.

The permit shall cap total external water supply, consumptive use, and discharge separately in gallons per year and gallons per day. The approved water allocation shall not exceed the independently demonstrated reliable supply remaining after existing commitments, legally required reserves, ecological obligations, and the adopted drought plan. A theoretical nameplate capacity or an unexecuted will serve letter shall not establish availability. The approved drought plan shall require cooling-load reduction or suspension when a compliant supply is insufficient, without substitution of prohibited water.

ZO F.2. Groundwater or surface water proposed for a separate noncooling use shall receive the required agency authorization and an independent hydrogeologic assessment proportionate to the proposed demand and local vulnerability. This provision does not authorize groundwater or surface water for cooling. The assessment shall address

neighboring wells, aquifer trends, recharge, connected surface water, drought, irrigation rights, cumulative permitted demand, and uncertainty.

A finding of no unlawful impairment shall identify the applicable legal standard and supporting evidence. The permit shall require reference monitoring points, warning levels, response actions, and enforceable curtailment compatible with emergency safety. Separate noncooling supplies shall be isolated from cooling systems, with cross-connection controls and verification sufficient to prevent prohibited cooling use. The local permit shall not purport to adjudicate a water right reserved to another authority.

ZO F.3. Metering shall separately record potable supply, reclaimed wastewater supply, captured precipitation, groundwater supply, surface water supply, initial cooling fill, cooling makeup, recycled flow, and discharge. Supplies serving separate noncooling uses shall be metered independently from cooling supplies. Records shall identify each external supply's origin and end use and shall demonstrate that no groundwater or surface water is used for cooling. Repeated circulation of the same water shall not be reported as a new external water saving.

Where wet cooling is proposed, 100 percent of its initial fill, replacement water, and makeup water shall consist of compliant reclaimed wastewater or captured precipitation. Reuse and treatment shall be maximized and reported. No percentage target, efficiency claim, drought condition, supply interruption, or backup arrangement shall authorize groundwater or surface water for cooling. The operator shall reduce or suspend the affected cooling operation if a compliant supply is unavailable.

ZO F.4. The applicant shall quantify heat rejection in megawatts and annual thermal energy, model exhaust plumes and cooling drift, and identify effects on adjoining property and equipment air intakes. Unpermitted hot water discharge shall be prohibited. A heat recovery feasibility study shall evaluate potential users, distance, temperature, seasonal overlap, infrastructure, and backup arrangements.

Where an identified, lawful user can accept the heat, the design shall provide a practicable recovery connection with rated thermal power and operating availability sufficient to deliver at least 30 percent of technically recoverable annual heat. The permit shall state both connection capacity in thermal megawatts and the supported annual delivery in thermal megawatt hours, distinguish capacity from heat actually delivered, and shall not award environmental credit for an unbuilt or unused connection.

Electric power fuel and air emissions

ZO G. The applicant shall disclose maximum utilization capacity under ZO B.4, maximum utility import, installed generation, coincident peak demand, annual electricity use, start up loads, ramp rates, operating hours, fuel supply, battery charging, and each development phase. It shall provide separate normal, emergency, and simultaneous operating diagrams and independently reviewable calculations. The utility and relevant regulator shall determine service availability, tariff obligations, required system upgrades, reliability conditions, and cost allocation within their authority. The local decision shall require the resulting written evidence before authorizing a load dependent phase.

ZO G.1. A claim that a facility is off grid shall identify every gas, electric, fuel delivery, water, transmission, and emergency connection. On site gas generation shall be evaluated for pipeline capacity, fuel interruption, compressor needs, combustion emissions, sound, and emergency service effects. A private generation arrangement shall not exempt the site from land use, air, water, fire, or other applicable requirements.

ZO G.2. No local appropriation, discounted local utility service, public guarantee, or infrastructure contribution shall be implied by land use approval. Project attributable infrastructure obligations imposed by the local government shall have lawful authority, an identified relationship to the project, a proportionate basis where required, and written appeal rights. The government shall seek protective utility tariffs or service agreements for long term capacity commitments, collateral, minimum billing, cancellation, and exit costs; it shall not promise that a zoning condition can bind a regulator or eliminate every regional rate effect.

ZO G.3. The design and stabilized annual operation shall achieve a power usage effectiveness of 1.30 or less, measured as total facility energy divided by information technology energy over the same period and boundary. The operating permit shall specify measurement points, treatment of on site generation and shared systems, commissioning duration, and annual reporting. A performance plan shall address partial occupancy and seasonal operation without concealing

energy use. This is a stringent proposed efficiency requirement, not a safety threshold or a substitute for absolute megawatt and water limits.

ZO G.4. Before construction or operation requiring an air approval, the applicant shall obtain the competent agency's written applicability determination and required permits. The record shall include turbines, engines, fuel cells and auxiliary combustion, fuels, run hours, emissions assumptions, stack design, and applicable operating restrictions. Permit conditions shall distinguish emergency generation, testing, and routine generation. A nominal backup label shall not authorize unlimited ordinary use. Nothing in this ordinance replaces federal or state air standards.

Fire, batteries, hazardous materials, and emergency response

ZO H. The applicant shall obtain approval from the building and fire authorities having jurisdiction under the editions and amendments actually adopted for the site. Equipment listing, installation requirements, large scale battery fire testing where applicable, hazard mitigation analysis, detection, explosion control, access, separation, and suppression shall be evaluated as an integrated design. A newer commercial standard or test report is not automatically the locally adopted law.

ZO H.1. Battery installations shall be separated at least 150 feet from occupied project buildings and shall also satisfy ZO D's protected receptor separation, unless a greater distance is required by the applicable code or demonstrated hazard analysis. The 150 foot value is a proposed land use safeguard, not a representation that every chemistry is safe at that distance.

Indoor uninterruptible power batteries shall be reviewed under their actual code classification and approved protection design; the applicant shall not relabel an outdoor energy storage installation to obtain an indoor equipment exception.

ZO H.2. The design shall address thermal runaway propagation, flammable and toxic gas release, detection, isolation, ventilation or deflagration protection, runoff, contaminated debris, damaged battery storage, and responder approach. A sealed enclosure or vault shall not be required where it would create an unmitigated explosion hazard. Contaminated runoff shall be contained, sampled, classified, and disposed of under applicable law; it shall not automatically be labeled hazardous waste without the required determination.

ZO H.3. Firefighting water volume, duration, replenishment, access, backflow protection, pump redundancy, and outage resilience shall be calculated from the approved hazard and fire response design. A separate protected reserve shall be provided where the fire authority requires it. A four to six hour supply shall be evaluated as a planning scenario, not substituted for the calculation. Suppression agents shall comply with applicable environmental and safety restrictions and the approved fire design. Substituting an agent shall require competent review; an inert gas system shall not be called nontoxic or safe in every occupied enclosure.

ZO H.4. Before operation, the applicant shall fund lawfully attributable responder equipment, training, preincident planning, and exercises under an authorized agreement. A current equipment and chemical inventory, safety data sheets, isolation diagrams, 24 hour emergency contact, access arrangements, and incident communication plan shall be available to responders. Critical security details may be protected under applicable disclosure law while the public receives a usable hazard and response summary.

Roads construction stormwater and waste

ZO I. The applicant shall submit construction and operating traffic studies identifying truck types, volumes, routes, bridge and pavement capacity, school conflicts, emergency access, and repair responsibility. Construction shall occur only from 7 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 5 p.m. Saturday, with no ordinary work Sunday or legal holidays. A lawful, time limited exception shall identify necessity, affected neighbors, duration, and mitigation. Quiet indoor work without off site disturbance may continue where the permit expressly allows it.

ZO I.1. Road improvements, oversize movements, construction water, worker parking, dust, vibration, grading, erosion, and site security shall be addressed before earthwork. Developer payments shall correspond to lawful, documented project obligations. A general community donation shall not substitute for compliance or be demanded as an unexplained permit price.

ZO I.2. Stormwater design shall evaluate at least the locally applicable 100 year design storm, current adopted rainfall data, future condition sensitivity, emergency overflow, downstream capacity, and water quality. Peak discharge and flood elevations shall not increase at the project boundary for the controlling design events unless a competent authority

approves an independently demonstrated equivalent or more protective drainage solution. Required discharge permits shall be obtained. Fire runoff and chemical spill containment shall be separated from ordinary drainage where required by the approved hazard design.

ZO I.3. Waste plans shall identify batteries, electronic equipment, refrigerants, treatment chemicals, used oil, fuel, construction waste, and contaminated material. Storage, transport, recycling, and disposal shall comply with applicable law. The operator shall keep shipping and disposal records and shall not characterize an undocumented waste stream as recycled.

Complete application and independent review

ZO J. The applicant shall attend a preapplication conference and receive a written list of applicable submissions, review authorities, and anticipated conflicts. The conference is advisory and shall not promise approval or extend a statutory deadline without lawful authority. The formal application shall include the following records in a searchable public submission with separately identified confidential exhibits.

Required record	Minimum content
Ownership and control	Applicant, property owner, operator, affiliates controlling the campus, authorized representative, succession and emergency contacts
Complete development plan	All buildings, equipment, land disturbance, utilities, off site improvements, phases, maximum operating envelope, accessory uses and remaining parcels
Technical studies	Sound, lighting, water, hydrogeology when applicable, electricity and fuel, air, heat, fire and batteries, stormwater, roads, views, waste and cumulative effects
Alternatives	Existing industrial land, reduced scale, different orientation, cooling and power arrangements, and reasons alternatives were rejected
Service and permit evidence	Actual agency determinations, executed service commitments when required, application status, limitations, and unresolved dependencies
Compliance plan	Measurement points, instruments, reporting, operating response, corrective actions, responsible personnel and funding
Financial security	Construction obligations, professional closure estimate, proposed assurance, proof of financial responsibility and lawful maintenance mechanism

ZO J.1. The reviewing government shall select and direct independent specialists through its procurement rules. The applicant shall fund reasonable, necessary review costs through an adopted, legally authorized fee or escrow arrangement with published rates, itemized invoices, replenishment rules, access to work products, and a fee dispute process. Applicant payment shall not give the applicant control of findings. Reviewers shall disclose material financial, professional, and ownership conflicts.

ZO J.2. Staff shall identify missing required information in writing. Completeness review shall follow statutory deadlines and shall not be used to create an indefinite administrative hold. A complete filing is not a determination of compliance. When required evidence is missing or unreliable, the decision maker shall not replace it with a condition promising that a fundamental siting conflict will be solved later.

Public notice hearing and written findings

ZO K. Notice shall meet controlling law and, where local authority permits, shall include mailed notice to owners and occupied addresses within one mile of the campus, notice to affected service providers and neighboring governments, an on-site sign, and a countywide or citywide online posting. For any data center with a proposed total campus power capacity of 20 MW or greater, mailed notice of the public hearing shall be required for all residents within 25 miles of the campus boundary, including residents across municipal, county, or state boundaries. Mailed notice shall be addressed to each residential unit, including individual units in multifamily buildings. The capacity calculation shall include all proposed development phases. A study identifying significant effects beyond the applicable notice radius shall expand targeted

notice to the affected area. Notice shall state the complete campus scope, requested decisions, record location, comment deadline, hearing date and time, hearing access, and contact for disability or language assistance.

ZO K.1. The complete staff report, independent reviews, proposed conditions, and material technical exhibits shall be posted at least 21 calendar days before the hearing, unless controlling law requires a different period. A material late change shall receive the additional notice and opportunity to respond required by law; a continuance shall be used when necessary for a fair record. Documents withheld under a claimed exemption shall be logged by subject, authority, and disposition without disclosing protected contents. A nondisclosure agreement shall not create a disclosure exemption.

ZO K.2. The decision maker shall hold a public hearing under the applicable legislative or adjudicative procedures. Officials shall disclose conflicts and prohibited outside communications as required by law. The applicant and affected participants shall receive the procedural rights applicable to the decision. Officials shall distinguish public policy preferences from site specific evidence and shall not count attendance or petition signatures as a substitute for findings.

ZO K.3. Approval shall require a written finding on every applicable clause, identifying the evidence, measurement, responsible agency, and enforceable condition. The findings shall address plan and district compatibility, protected land, complete cumulative demand, every numerical standard, lawful reliable service, safety, public cost obligations, enforceability, and closure. If a mandatory standard is not met or a required finding lacks sufficient evidence under the governing legal standard, the application shall be denied with specific reasons. Statutory variance procedures remain available only on their lawful terms; staff shall not waive substantive standards.

Permit limits construction and commissioning

ZO L. Every approval shall include an operating envelope table stating the authorized number and area of buildings, disturbed acreage, maximum utilization capacity for the integrated campus and each phase, maximum utility demand, generation and battery capacity, fuel and run hours, annual and peak water quantities, discharge limits, sound and lighting limits, cooling type, construction phases, monitoring stations, and required mitigation. The table shall distinguish fixed ordinance limits from lower site specific limits supported by the record. A site plan alone shall not authorize later capacity above that schedule. Crossing 5 or 20 MW requires a new conditional use decision in an eligible district before the higher capacity is constructed or operated. The 250 MW cap applies to the complete related campus and cannot be evaded through separate owners, tenants, meters, parcels, or phases.

ZO L.1. Before construction, the applicant shall provide conforming plans, required agency approvals, enforceable service arrangements for that phase, lawful financial assurances, erosion controls, approved routes, and emergency access arrangements. Staff shall inspect the staked setbacks and buffer before irreversible construction. Building permits shall remain subject to the building official’s independent authority.

ZO L.2. Regular operation shall not begin until sound and lighting controls, meters, approved fire and battery protection, drainage, public contact information, and monitoring are installed. Commissioning shall include witnessed testing at representative maximum loads, including modeled combinations of cooling and generation equipment. If full load is unavailable, approval shall be limited to the tested capacity with a verified, conservative prediction for later stages and mandatory additional testing before those stages operate. The applicant shall not treat a lightly occupied opening as proof of full campus compliance.

Monitoring inspections and public accountability

ZO M. Continuous sound monitoring shall operate at approved representative boundary stations with protected receptor validation. The system shall record calibrated A and C weighted levels and required spectral data, equipment operation, outages, and weather sufficient to interpret results. Automated alerts shall flag probable exceedances; a qualified reviewer shall validate attribution and uncertainty. Continuous monitoring supplements, and does not replace, independent off site measurements or complaint investigation.

ZO M.1. Water, energy, generation, battery incidents, heat recovery, waste handling, and permit dependent infrastructure shall be logged at the interval specified in the operating envelope. The operator shall publish monthly compliance summaries and quarterly underlying nonexempt environmental data, with an annual independent certification. Data shall identify gaps and corrections. Raw operational environmental records shall be retained at least ten years, and approvals, annual certifications, material incidents, enforcement, and closure records shall be retained under the longer applicable public records schedule. Required preservation during a dispute or investigation shall control.

ZO M.2. A public complaint channel shall identify the responsible office and the operator's 24 hour contact. Staff shall acknowledge a complaint within two business days and perform an initial assessment within five business days, sooner when a credible emergency requires it. A complainant shall receive the investigation result and available review route. A complaint is a request for investigation, not proof of a violation. Where lawful, anonymous reports shall receive assessment when they provide verifiable information.

ZO M.3. Inspection shall occur through consent, an applicable permit or statutory inspection authority within its lawful scope, a warrant when required, or a recognized emergency exception. Notice alone does not create a right of entry. Inspectors shall protect credentials, customer communications, trade secrets, and critical infrastructure information as governing law requires, while disclosing environmental performance and enforcement records to the lawful extent. The government shall not require inspection of server contents as a zoning compliance method.

ZO M.4. For a principal facility above 5 MW, an accountable officer shall certify annually the operator's and affiliates' actual physical uses and the identities and declared physical uses of every direct wholesale tenant and disclosed on site subtenant. The operator shall obtain written use declarations and change notices through lawful contracts, report each user's allocated electrical capacity, recorded monthly peak demand, and annual energy use, and identify whether that user conducts proof-of-work cryptocurrency mining at the premises. The report shall state each disclosed mining use's installed capacity, measured peak demand, annual energy, generation fuel and run hours, and dates of material change. The operator shall disclose known gaps and make supporting non-content records available to the independent reviewer under lawful confidentiality protections. It shall notify the government of a material change within 30 days. A certificate states the officer's knowledge after documented reasonable inquiry of direct contractual users and disclosed on site subtenants; it shall not falsely purport to know every remote customer's end use or require inspection of communications content. This disclosure does not authorize a use prohibited by any separately applicable law or permit.

Expansion transfer closure and financial assurance

ZO N. The operator shall obtain and continuously maintain a bond equal to at least 150 percent of an independently reviewed, current third-party estimate of the total cost of closure and restoration. The estimate shall include equipment and battery removal, contaminated material management, foundations and utilities to the approved removal depth, soil restoration, erosion control, monitoring, administration, and contractor mobilization, without assuming speculative salvage value. The required bond amount shall be adjusted annually for inflation using the Consumer Price Index for All Urban Consumers (CPI-U), U.S. city average, all items, published by the U.S. Bureau of Labor Statistics. Inflation adjustments shall not reduce the required bond amount. The closure and restoration estimate shall be independently reviewed and updated at least every three years and after any material change affecting closure or restoration costs. Following each update, the bond shall be adjusted to remain equal to at least 150 percent of the updated estimate.

ZO N.1. Assurance shall use a legally authorized, enforceable instrument naming the proper beneficiary, with clear draw conditions, replacement notice, and protection against lapse. A parent promise alone shall not qualify unless independently secured to the same standard. Release shall require verified completion, satisfaction of outstanding environmental obligations, and the required decision. The government shall not accept an instrument it lacks legal authority to hold or draw.

ZO N.2. A material modification shall undergo a new or amended conditional use review with the required notice, updated cumulative studies, and findings. A replacement may receive written administrative approval only if it stays within every approved envelope limit, does not move effects closer to receptors, and demonstrates equal or better environmental and safety performance without creating a new impact. The determination and supporting evidence shall be public and appealable. No automatic one building entitlement or reserved future capacity shall arise from a conceptual campus drawing.

ZO N.3. At least 30 days before a proposed transfer where legally practicable, the operator shall identify the successor, responsible contacts, continued service agreements, financial assurance, and outstanding violations. Transfer shall not erase conditions or liabilities. Changes in control requiring separate state or federal review remain subject to those laws. A new owner shall provide replacement assurance before release of the existing instrument.

ZO N.4. Closure means permanent cessation or 12 consecutive months without the permitted principal operation, excluding a documented temporary interruption with a lawful, approved restart plan. The operator shall notify the government within 30 days of permanent cessation, secure hazards immediately, and submit the final closure schedule within 90 days. Removal and restoration shall be completed within 12 months after approval of that schedule unless a

written, public, legally authorized extension is necessary for safe environmental work. Assurance shall remain effective until completion.

Enforcement appeals and legal administration

ZO O. Missing required records, unauthorized expansion, failure of required monitoring without timely restoration, noncompliant operation, and failure to maintain assurance shall constitute violations. A notice of violation shall identify the clause, evidence, required corrective action, deadline, and appeal procedure. A routine reporting defect shall ordinarily receive ten business days to cure. A substantive exceedance shall receive a prompt interim operating response and a correction schedule proportionate to its seriousness. The operator shall preserve relevant records and notify the government of a material environmental or safety incident within 24 hours after awareness, without delaying emergency reporting required by other law.

ZO O.1. The government may impose authorized civil penalties, seek an injunction, require corrective measures, or suspend or revoke the affected approval after the notice and hearing required by law. A proposed civil penalty is $500 per day per continuing violation, limited to the amount and procedure authorized by state law and the adopted local penalty schedule. The same act shall not receive duplicate penalties contrary to law. Revocation shall rest on specific material noncompliance, fraud, or repeated violations established in the record, rather than general hostility to an operator.

ZO O.2. Emergency action without advance hearing shall be limited to the power authorized by law and the action reasonably necessary to address an imminent threat. Staff shall document the threat, scope, and duration and provide prompt postaction review. Orders shall coordinate with the fire and building authorities and utility operators. Shutting off cooling, suppression, ventilation, or electricity shall not create a greater fire or public safety hazard.

ZO O.3. Decisions on classification, completeness when appealable, administrative modifications, permits, enforcement, and financial assurance shall state the correct local appeal route, deadline, required filing, and relationship to judicial review. The adopting government shall insert its controlling procedures and any exhaustion or reconsideration requirements before enactment. Nothing in this model supplies a universal appeal deadline.

ZO O.4. A substantive standard may be amended only through the legally required ordinance process. A manual may explain measurements but shall not silently change an enacted limit. Conflicts with superior law shall be resolved by applying that law to the extent of the conflict while preserving lawful, separable provisions. The adopting government shall provide the effective date, publication, district table amendments, and transition rules required by its law. If a court invalidates a provision, the remaining provisions shall remain effective to the extent they can operate lawfully and consistently with the adopting body’s intent.

Model standards at a glance

Protection	Proposed model requirement	Evidence needed before approval
Location and power	Conditional approval for every principal use; at or below 5 MW in a designated commercial or industrial district, above 5 through 20 MW in industrial or heavy industrial, above 20 through 250 MW in heavy industrial, and above 250 MW prohibited	Exact use table, full campus load calculation, and phase plan
Sensitive neighbors	1,000 foot separation and 200 foot buffer	Survey and protected receptor map
Scale and appearance	One story and 24 feet with no rooftop mechanical plant	Grading, elevations and seasonal views
Routine sound	40 dBA day and 35 dBA night plus C weighting and band limits	Independent baseline, cumulative model and field test
Exterior lighting	Zero direct uplight, 2,200 kelvin and 0.01 footcandle at protected boundary	Photometric model and maximum output verification

Cooling	No routine potable or new groundwater evaporative cooling	Complete water balance and lawful supply evidence
Efficiency	Stabilized annual PUE no greater than 1.30	Defined meters and energy boundary
Batteries	At least 150 feet from occupied project buildings plus applicable hazard controls	Fire authority approval and hazard analysis
Cost protection	Lawful project obligations and protective utility arrangements	Cost allocation and service documentation
Closure	150 percent independent estimate with periodic adjustment	Enforceable security and restoration plan

Source notes and comparable policies

The Chester County Planning Commission and Montgomery County Planning Commission's 2026 guide supplies model sound controls, including daytime 45 dBA and 60 dBC and nighttime 40 dBA and 50 dBC. It is planning guidance, not a claim that those limits are enacted in every community. ZO E proposes lower A weighted limits, additional maximum and frequency controls, and specific enforcement procedures. The proposed octave band schedule is an express policy choice requiring acoustic review in the adoption record, not a copied government standard (Chester County Planning Commission & Montgomery County Planning Commission, 2026).

Prince William County's current enforcement guidance requires Class 1 equipment capable of A weighting, C weighting, and one third octave measurement for steady tonal sound. That supports the measurement approach, not the numerical limits selected here (Prince William County, n.d.). Cape Vincent's enacted zoning law includes a 35 dBA nighttime source level, but uses separate day, evening and night periods, different C weighted values, a 30 minute initial survey, and listed exemptions. This model does not reproduce that complete measurement procedure (Town of Cape Vincent, 2019). Fairfax County's adopted standards use substantial residential separation and preconstruction and postconstruction sound study requirements; its distances and exceptions differ from this model (Fairfax County, 2024). The model's 1,000 foot separation, 200 foot buffer, 24 foot height, and 150 foot battery separation are proposed protective land use choices. They are not presented as universal engineering rules.

Millburn's codified general lighting provisions in DRZ 512(f)(5) and (f)(7)(b) include a 0.01 footcandle residential boundary limit and a specified field measurement procedure. Suffolk County requires no more than 2,200 kelvin for covered county purchased lighting, with stated exceptions; that is a public purchasing rule rather than a private data center zoning rule. DarkSky recommends warm light and using 2,200 kelvin when possible. This ordinance deliberately applies a stringent protected receptor rule, with narrow superior safety law exceptions (Township of Millburn, 2025; Suffolk County, 2022; DarkSky International, 2023).

DOE laboratory research distinguishes total facility demand from efficiency ratios and documents uncertainty in national forecasts. Neither a national forecast nor a low PUE establishes the local availability of water or power (Smith et al., 2026). EPA identifies stationary combustion and applicable air permitting resources for data centers. UL explains the different roles of system safety standards, installation standards, and fire testing; a test report is not itself a complete site approval (U.S. Environmental Protection Agency, 2026; Schraiber & Schwalb, n.d.).

Nashville and Davidson County's enacted 2026 zoning amendment uses maximum electrical capacity as one element of size classification and requires project phases and related buildings to be considered together. Its categories and district map differ from this model. The 5, 20, and 250 MW thresholds here are proposed choices, not nationwide legal or engineering thresholds (Metropolitan Government of Nashville and Davidson County, 2026).

Comprehensive glossary

Accessory computing: Computing subordinate to another lawful principal use, rather than an independent industrial hosting operation.

Acoustic baseline: The measured sound environment before the proposed project, documented with weather and competing sources.

Air applicability determination: The responsible agency's decision about which air rules and permits apply to specific equipment and operation.

Annual demand: Total resource use over a year, distinct from the highest instantaneous or daily requirement.

Aquifer: A geologic formation that stores and transmits groundwater.

Assurance: Enforceable financial security available for defined obligations if the operator fails to perform.

Battery energy storage system: Equipment storing electrical energy in batteries, with controls and supporting protection systems.

Beneficiary: The person or public body entitled to draw a financial instrument under its terms.

Blowdown: Water removed from a cooling or treatment system to control accumulated dissolved material.

Campus: Related buildings and equipment operated or developed as an integrated facility, including phased construction.

Class 1 meter: Precision sound measuring equipment meeting the adopted Class 1 instrumentation requirements.

Closed loop: A recirculating circuit; the term alone does not establish zero water consumption in the complete cooling system.

Colocation: Facility services for separately owned customer computing equipment.

Commissioning: Testing and verification that installed systems perform as approved before unrestricted operation.

Conditional use: A use requiring case specific approval against enacted standards, often called a special exception or special use in another jurisdiction.

Consumptive water use: Water withdrawn that is not returned to the relevant source for reuse, including evaporation and other losses.

Correlated color temperature: A measure in kelvin describing the apparent color of light, distinct from its brightness.

Critical infrastructure information: Security sensitive information whose disclosure is governed by the applicable legal exemption, if one applies.

Cumulative impact: Combined effects of the project, related phases, and relevant existing or reasonably foreseeable development.

dBA: A weighted decibels, a sound level measure that substantially discounts low frequency energy.

dBC: C weighted decibels, a measure retaining more low frequency sound than A weighting.

Decibel: A logarithmic measure; sound levels cannot be added as ordinary arithmetic quantities.

Decommissioning: Safe closure, equipment removal, waste management, and restoration after the approved use ends.

Demand response: An arrangement to change electric consumption or generation in response to system or market conditions; it is not automatically emergency operation.

Direct uplight: Light emitted by a fixture above the horizontal plane, distinct from light reflected by surfaces.

Drought reliable supply: Lawful water availability under the adopted dry condition assumptions after existing commitments and required reserves.

Easement: A legally recognized right to use another's land for a stated purpose.

Equivalent level: The constant sound level with the same sound energy as the changing sound over the stated measurement interval.

Escrow: A restricted account holding money for defined review or performance costs.

Evaporative cooling: Heat removal by changing water to vapor, creating consumptive water demand.

Financial assurance: Security supporting a defined obligation, distinct from a forecast of future project revenue.

Fire authority having jurisdiction: The official or agency legally responsible for the applicable fire approval.

Footcandle: Illuminance of one lumen per square foot; approximately 10.764 lux.

Groundwater drawdown: Reduction in groundwater level associated with pumping and other aquifer conditions.

Heat recovery: Capturing waste heat for a useful purpose; installed connection capacity differs from actual delivered heat.

Hertz: Cycles per second, used to describe sound frequency.

Hydrogeologic assessment: Analysis of groundwater, geology, pumping, recharge, connections, and affected users.

Imminent threat: A sufficiently immediate danger supporting only the emergency powers the law actually authorizes.

Independent review: Technical evaluation selected and directed by the public body, with disclosed conflicts and lawful funding.

Information technology energy: Energy used by computing, storage, and networking equipment within the defined measurement boundary.

LAeq15min: A weighted equivalent sound level over 15 minutes.

LAFmax: Maximum A weighted sound level measured with the meter's fast time response.

LCeq15min: C weighted equivalent sound level over 15 minutes.

Material modification: A change exceeding the permit envelope or creating an unreviewed impact under ZO B.3.

Maximum utilization capacity: The greatest sustained simultaneous full-facility electric demand at authorized full buildout, determined under ZO B.4 across the related campus and all power sources without counting the same load twice.

Megawatt: A unit of power equal to one million watts, not a measure of annual energy.

Megawatt hour: Energy equal to one megawatt supplied or consumed for one hour.

Nonpotable water: Water not approved for drinking; its use still requires lawful supply, treatment, and discharge arrangements.

Octave band: A frequency band whose upper boundary is twice its lower boundary.

Operating envelope: The approved maximum physical and operational limits of the complete facility.

Proof-of-work cryptocurrency mining: Computation devoted to validating blockchain blocks by competitive proof-of-work consensus; the disclosure concerns actual physical operations, not every remote customer's unspecified software activity.

Wholesale tenant: A direct contractual user leasing substantial space or computing power within the facility; an on site subtenant uses the premises under a disclosed derivative agreement.

Photometric plan: A lighting design showing fixtures and predicted illuminance at specified locations.

Power usage effectiveness: Total facility energy divided by IT energy over the same period and measurement boundary.

Prime farmland: Land meeting USDA criteria for high quality agricultural production; classification and local legal protection are separate questions.

Principal use: The main actual use of land or a facility, determined from its operation rather than its marketing label.

Protected receptor: A residence or other sensitive use or boundary expressly protected by the ordinance.

Reclaimed water: Treated wastewater authorized for a specified reuse, with supply and quality constraints.

Recirculation: Repeated movement of water through a system; it does not equal an equivalent amount of avoided external withdrawal.

Runoff containment: Collection and management of water from rain, spills, or firefighting according to the relevant hazard.

Source attribution: A defensible method for identifying the project's contribution separately from background conditions.

Sound power: The acoustic energy emitted by a source, distinct from sound pressure measured at a receptor.

Special exception: A jurisdiction's name for a conditional approval; its legal test depends on state and local law.

Thermal runaway: A self accelerating battery failure process that can propagate heat and other hazards.

Tonal sound: Sound with a prominent narrow frequency component, such as a hum or whine.

Variance: Relief granted only under the statutory and local standards governing that relief, not a general negotiating power.

Vested right: A development protection arising under the controlling law from qualifying approvals or reliance.

Water balance: Accounting of each water source, circulation, consumption, treatment, and discharge.

Will serve letter: A utility statement whose legal commitment and limitations must be read rather than assumed.

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Revision block

Field	Current issue
Author	Jeff A Pierson
Revision	05
Date	November 1 2026
Scope	Community model zoning ordinance
Status	Proposed text for public deliberation and lawful local adoption
Required adoption entries	Government name and authority, eligible district, local procedures, penalty authority, transition provisions, effective date and supported technical findings