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AN ORDINANCE

establishing an administrative delay on the acceptance or processing of applications relating to the establishment or expansion of a data center facility; providing an exception for acceptance and processing of an application under certain circumstances; and fixing the time when this ordinance shall become effective.

WHEREAS, data center facilities can have significant impacts on infrastructure, including demands on electrical power, water supply, and telecommunications networks, as well as potential impacts on surrounding land uses, natural resources, public services, and the character of the community; and

WHEREAS, the City of Columbia Unified Development Code does not currently contain specific regulations, standards or definitions addressing the unique characteristics, demands and potential cumulative effects and impacts of data center facilities, which are a rapidly growing and evolving land use across the United States; and

WHEREAS, because of possible effects of data centers on the community, the City Council intends to consider revisions to the City Code and other standards designed to protect the health, safety, and general welfare of the community; and

WHEREAS, the City Council finds that a temporary administrative delay in the acceptance or processing of applications relating to the establishment or expansion of data center facilities is necessary to ensure planned, orderly development of data center facilities consistent with the character and welfare of the City by enacting appropriate regulations; and

WHEREAS, the City Council has determined that it is necessary to temporarily suspend acceptance or processing of applications relating to the establishment or expansion of data center facilities while appropriate regulations, standards and definitions may be developed through a comprehensive public process involving the Planning and Zoning Commission and the City Council; and

WHEREAS, a temporary delay in the acceptance and processing of applications will allow City staff the necessary time to study the issue and make recommendations to the Planning and Zoning Commission and City Council regarding revisions to the City Code and other standards related to data centers, and ensure consistency and fairness by preventing nonconforming uses that could undermine a comprehensive zoning plan; and

WHEREAS, in the case of exigent circumstances, the City Council desires to provide for consideration of a request by a property owner for relief from the administrative delay in order to provide for the acceptance and processing of an application.

Now therefore, be it ordained by the Council of the City of Columbia, Missouri, as follows:

SECTION 1. The City Council makes and reaffirms the findings set forth above and incorporates the same by reference as if fully set forth herein.

SECTION 2. Except as otherwise provided herein, no application pertaining to the establishment or expansion of a data center, including, but not limited to, applications for building permits, site plan and architectural reviews, variances, flood plain development permits, conditional use permits, grading permits, and/or occupancy permits, may be accepted or processed by the City from the date of passage of this ordinance until April 1, 2027.

SECTION 3. For the purposes of this ordinance, "data center" shall mean a building, group of buildings, facility or premise whose primary use is the storage, management, processing and/or transmission of digital data and is typically used to house computer systems, network equipment, servers, and associated accessory components, such as, but not limited to, air handlers, power generators, cooling systems, backup power systems, battery storage, central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, data warehouse, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse colocation, or any other term applicable to facilities which are used for such purposes. Such facilities may sometimes also be referred to as Digital Infrastructure Facilities, Hyperscale Data Centers, Industrial-Scale Computing Facilities, Colocation Data Centers, Enterprise Data Centers, or High-Intensity Computing Facilities.

For the purposes of this ordinance, "primary use" is 50% or greater of the square footage of the facility and shall be determined by the amount of square footage of the building utilized for a data center as compared to the square footage of the structure in active use for other permitted commercial, business or office space. In determining square footage for primary use, the square footage of any structure which is vacant or otherwise dedicated to warehouse or storage activities shall be allocated to the square footage of that portion of the facility proposed to be utilized as a data center.

SECTION 4. The City Council may, by resolution, allow the processing of an application for the establishment or processing of a data center under any of the following circumstances:

- (a) The Council determines that failure to allow processing of the application would cause undue and substantial economic hardship on the property owner, adequate infrastructure exists (or will exist at the completion of the

project) to provide necessary city services to the use proposed by the application, and the application, if approved, would not be otherwise detrimental to the health, safety, and general welfare of the city; or

- (b) The Council determines the proposed application complies with all existing and foreseeable planned city regulations, adequate infrastructure exists (or will exist at the completion of the project) to provide necessary city services related to the application, and consideration of such application will not be otherwise detrimental to the health, safety, and general welfare of the city.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED: May 18, 2020

Barbara Buffaloe
Mayor and Presiding Officer

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Counselor