

ORDINANCE NO. [2026-XX]

AN ORDINANCE AMENDING THE MUNICIPAL ZONING CODE TO PERMIT DATA CENTERS IN HEAVY INDUSTRIAL ZONES ONLY AND MANDATING ENVIRONMENTAL, NOISE, AND INFRASTRUCTURE SAFEGUARDS.

SECTION I: PURPOSE AND SCOPE

The purpose of this ordinance is to regulate the development of Data Centers to protect the health, safety, and economic well-being of residents. These facilities are distinct from standard warehouses due to their unique high-intensity energy consumption, noise profiles, and thermal output.

SECTION II: LAND-USE DESIGNATION

1. Permitted Zone: Industrial Data Centers are only permitted in Heavy Industrial Zones. Data centers shall be prohibited in all other zones, including Light Industrial (LI) or Warehouse/Distribution (W/D) zones.
2. Prohibition of Loopholes: The repurposing of existing warehouses or commercial structures into Data Centers via "minor site plan" or "redevelopment" exemptions is prohibited without full rezoning to Industrial Data Center.

SECTION III: SITING AND CONSERVATION

1. Greenfield Protection: The conversion of any green space, agricultural land, or conservation area into a data center facility is strictly prohibited.
2. Brownfield Prioritization: Data Center facilities shall be permitted only on designated Brownfields, contaminated or previously developed industrial sites, to minimize the loss of fertile soil and natural habitats.

SECTION IV: SETBACKS AND BUFFER ZONES

1. Noise Buffer: Cooling fans, HVAC units, and power infrastructure must maintain a minimum distance of [1,000](#) feet from any residential zoning district.
2. Thermal Impact Buffer: To mitigate the Urban Heat Island (UHI) effect, the boundary of any I-AI facility must be located at least 6.5 miles from residential neighborhoods, schools, daycare centers, hospitals, and public parks.

SECTION V: NOISE MITIGATION STANDARDS

1. Acoustic Studies: Developers must submit a third-party acoustic and visual impact study prior to site approval.
2. Decibel Limits: Constant sound levels (including low-frequency humming) shall not exceed 55 average hourly decibels (dBA) when measured at the outer wall of the nearest dwelling on a nonparticipating property.
3. Continuous Monitoring: Facilities must install 24/7 noise monitoring equipment with data accessible to the municipal code enforcement officer.

SECTION VI: GRID INTEGRITY AND RATEPAYER PROTECTION

1. Infrastructure Funding: Data center developers are 100% responsible for all costs associated with grid upgrades, substation construction, and transmission line reinforcements required to serve the facility.
2. Indemnity: The developer must provide a bond ensuring that no costs associated with their energy demand are passed through to local residential utility ratepayers.

SECTION VII: CLEAN ENERGY AND POWER STORAGE

1. Mandatory Clean Sourcing: 100% of the facility's energy must be sourced from *new* renewable energy generation (Solar, Wind, or Geothermal) to avoid prolonging the life of fossil fuel plants.
2. Battery Storage: Facilities must utilize on-site utility-scale battery storage for backup power. The use of diesel-fired backup generators is prohibited except during declared states of emergency.

SECTION VIII: WATER USE AND PERMISSIONS

1. Prohibition on groundwater and aquifer use for data center cooling. The ordinance would make it illegal for data centers to drill private wells or use groundwater as even a backup cooling source.
2. Alternative Non-Potable Water Sources: Instead of tapping into pristine groundwater, many data centers utilize "lower-grade" water that is unsuitable for drinking.
3. Water-Free or Low-Water Cooling Technologies: These systems eliminate or drastically reduce the need for constant water replenishment by moving heat through other mediums.

SECTION IX: COMPREHENSIVE ASSESSMENT

1. Before facilities are approved for construction, the town planning board and council should require a thorough analysis and projections of the impacts to

agricultural land, local water supply, and communities from increased noise, heat, and air pollution.

SECTION X: ENFORCEMENT AND PENALTIES

1. General Violations and Daily Fines: Any person or entity found in violation of any provision of this ordinance shall, upon conviction, be subject to a fine of not more than **\$2,000 per day**. Each day that a violation continues after the issuance of a summons or notice of violation shall be considered a **separate and distinct offense**.
2. Specific Noise Violations:
 - a. **Notice of Penalty Assessment (NOPA):** Upon a verified noise complaint, the Code Enforcement Official or a certified Noise Control Officer shall conduct measurements using calibrated equipment. If decibel limits are exceeded, a NOPA will be issued immediately.
 - b. **Mandatory Mitigation:** Within 30 days of a noise violation notice, the operator must submit a mitigation plan prepared by a licensed acoustic engineer. Failure to submit or implement this plan will result in a daily fine of **\$4,000**.

The language of this ordinance can be used as a guide for your municipality; it does not need to be passed in its entirety