

CITY ORDINANCE #060826-2

AN ORDINANCE RELATING TO ZONING; SPECIAL USE REGULATIONS – DATA CENTERS; PROVIDING DEFINITIONS; PROVIDING MINIMUM REQUIREMENTS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, TEXAS:

WHEREAS, The City of Edgewood, Texas has the authority to regulate zoning and development in the City; and

WHEREAS, The City of Edgewood, Texas Zoning Ordinance has no zoning for Data Centers; and

WHEREAS, The City of Edgewood, Texas has determined such zoning warrants Special Use Regulations; and

WHEREAS, The City of Edgewood, Texas desires to ensure safety of the residents of Edgewood and to reduce the adverse secondary effects of un-regulated land use;

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, TEXAS:

That the Code of Ordinances of the CITY OF EDGEWOOD Chapter 125 Zoning is hereby amended the to add a definition for Data Centers and to add Data Centers to the “I” Industrial Zoning with a Special Use Permit required and by adding Chapter 125, Section 25 Special Use Permit – Data Centers, attached hereto as Exhibit “A”:

Penalty Clause.

A person operating Data Center in violation of this ordinance or without a valid Special Use Permit shall be guilty of a misdemeanor punishable as defined in Chapter 125.

Conflict Clause.

If any article, section, paragraph, phrase or sentence is in conflict this ordinance shall prevail.

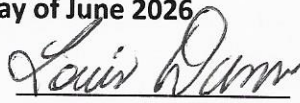
Severability Clause.

If a Section or Subsection of this Chapter, or certain applications of a Section or Subsection, is found unconstitutional, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.

FURTHER, The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in a local newspaper of general circulation.

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE AND PUBLICATION.

PASSED AND APPROVED this the 8 th day of June 2026


Louis Dunn, Mayor

ATTEST:



Kathleen Jordan, City Secretary

CHAPTER 125

SECTION 24

125-24.100. DEFINITIONS

COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) – The 24-hour A-weighted average sound level from midnight to midnight, obtained after the addition of 5 dB to sound levels occurring in the evening from 7 PM to 10 PM and after the addition of 10 dB to sound levels occurring in the night between 10 PM and 7 AM.

DATA CENTER – A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations.

The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the Data Center.

DATA CENTER ACCESSORY USE – Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines, domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

DATA CENTER ELECTRICAL SUBSTATION – A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

DATA CENTER PRINCIPAL BUILDING – A building that contains the office and/or data storage functions of a Data Center.

FOOTCANDLE – Enough light to saturate a one-foot square with one lumen of light.

KNOX BOX – A wall-mounted safe that holds building keys/access codes for first responders.

SENSITIVE RECEPTORS – Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, prisons, dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use as determined by the zoning officer.

125-24.200. SPECIFIC USE CRITERIA

Data Centers

The following requirements shall apply to all Data Centers. In the event that any of the following regulations are found to be in conflict with regulations found elsewhere in the City Zoning Ordinance, the most restrictive regulations shall be applied, unless otherwise stated.

A. Building Placement and Orientation

- (1) All principal and accessory structures associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged.
- (2) Buildings shall be sited and oriented to:
 - a. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Receptor areas.
 - b. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.
 - c. Accommodate adequate parking.
 - d. Minimize impacts to natural resources.
- (3) Data Center campuses containing more than one building are encouraged to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

B. Maximum Height

The maximum building height for Data Centers shall be 20 feet at the building edge. A parapet wall not to exceed 4 feet may be present 4 feet from the building edge for screening purposes.

C. Setbacks

- (1) All principal buildings, accessory structures, and Data Center Electric Utility Substations must be set back at least 200 feet from all property lines.
- (2) Parking lots for Data Centers shall be set back at least 50 feet from public road rights-of-way, and 50 feet from all property lines.

D. Parking Requirements

A minimum of 1 parking space per employee on the largest shift is required, plus an additional 5 visitor spaces.

No parking spaces shall be located within 25 feet of the building/sidewalk (fire lane) except a maximum of 3 ADA compliant handicap parking spaces may be located adjacent to the building a minimum of 15 feet from the entrance. For purposes of the above the measurement shall be taken from the end of the handicap parking space farthest from the building.

E. Off Street Loading

A minimum of one loading space is required. Loading spaces/bays are only permitted to be located on one façade of the Data Center Principal Building.

F. Noise/Vibration

- (1) CNEL
 - a. The Community Noise Equivalent Level (CNEL) at the boundary of the property containing a Sensitive Receptor shall not exceed 60 dBA.

- b. The CNEL at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dBA.
 - c. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to ten (10) dBA.
 - d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.
 - e. In addition to dBA levels, the developer will need to be able to show that C-weighted noise (dBC) and Octave Bands (dBZ) will also be maintained at acceptable levels.
- (2) A noise reduction barrier or device may be required at the discretion of the City when it is inconclusive that noise level tests do not conform to acceptable noise levels.
 - (3) The limitations of 125-24.200.F herein shall not apply to any Sensitive Receptor that is established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.
 - (4) Sound Study
 - a. Any proposal for a Data Center shall include pre- and post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. The sound studies shall identify compliance with 125-24.200.F as applicable. The sound studies shall be conducted by an Institute of Noise Control Engineering (INCE) Board Certified Engineer and shall be subject to review and approval by an engineer with experience in noise control selected by the City.
 - b. The pre-construction sound study shall be submitted with the SPECIAL USE/SPECIAL EXCEPTION application. The pre-construction sound study shall recommend the sound reducing materials or systems required to meet the aforesaid sound limits.
 - c. The post-construction sound study shall be conducted prior to issuance of the certificate of occupancy. An as-built sound study may also be required thereafter by the City upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, the owner or occupant of the Data Center shall promptly remediate the violation to achieve compliance with the sound limits.

G. Negative Impacts

Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.

H. Safety

The equipment used in any Data Center operation shall be housed in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

I. Power

Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

- (1) Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,
- (2) Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,
- (3) Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,
- (4) The energy storage capacity of the system used (if applicable) will be defined,
- (5) Efforts will be made to maximize the use of renewable or clean energy,
- (6) The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
- (7) Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.

J. Lighting

(1) Horizontal Surfaces

For the lighting of predominantly horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

(2) Non-Horizontal Surfaces

For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

(3) Adjacent Residential Uses

The illumination projected onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.

(4) Adjacent Non-Residential Uses

The illumination projected from any property onto a nonresidential use shall at no time exceed 0.5 initial footcandle, measured line-of-sight from any point on the receiving property.

(5) Glare

Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved by using means such as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

(6) LED Lights

LED light sources shall have a correlated color temperature that does not exceed 3000K.

(7) Luminaires

Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.

(8) Lighting After Hours

Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. On/off control shall be by an astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11 PM or after regular business hours, or the use of motion sensor control, shall be permitted.

K. Perimeter Fencing/Security

Fences shall not exceed 8 feet in height above ground and shall be of high-quality design and materials.

L. Power Lines and Data Center Electric Utility Substations

- (1) Data Center Electric Utility Substations must include year-round opaque landscaping or a screen wall a minimum of 8 feet in height to minimize visual impact.
- (2) Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center Principal Building so they are screened from public view and must not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
- (3) Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried.
- (4) The Data Center Electric Utility Substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the compound containing the substation to the property boundary of the lot it occupies.

M. Emergency Contact Information

Data Center operation shall provide 24-hour emergency contact signage at minimum of 2 locations visible from the property boundary including the primary access entrance.

Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.

N. Waste Water Treatment

A Data Center consuming an average daily usage greater than 5000 gallons of water shall be required to have onsite a waste water treatment facility licensed by the Texas Department of Environmental Quality.

Waste water resulting from cooling operations shall be handled separately from sewage, contained and recycled to reduce usage and environmental impact.

O. Sensitive Receptors

Unless physically impossible, energy substations, generators, HVAC units, and other noise and odor creators shall be oriented away from abutting Sensitive Receptors. Screening as described in 125-

24.200.P., "Buffer Yards and Screening" shall be provided. When making feasibility decisions, the City must consider existing laws and regulations and balance public safety with the site development's potential impacts on nearby Sensitive Receptors.

P. Buffer Yards and Screening

All Data Center operations shall provide buffer yards and screening along all property boundary lines, except for areas of ingress and egress into the site.

- (1) Service Areas - Loading bays, refuse collection areas, and service entrances shall be screened from view from existing or planned public roads, Sensitive Receptors, and residential zoning districts. Screening may include year-round landscaping or a screen wall of an appropriate height to mitigate visual impacts as determined by a line-of-sight study submitted by the applicant.
- (2) Mechanical/Electrical Equipment Screening
 - a. Ground-Mounted
 - i. Ground-mounted equipment adjacent to and serving the Data Center Principal Building shall be completely screened behind an opaque wall or fence. When the equipment is located between buildings, a combination of walls and gates may be used at the openings between buildings.
 - ii. When in or adjacent to an industrial use or zoning district, ground-mounted equipment screening is only required from any existing or planned public road.
 - iii. Ground-mounted equipment is prohibited in any required setback.
 - b. Roof-Top
 - i. All roof-top-mounted equipment shall be screened by a parapet wall, equipment penthouse, or visually solid screen on all four sides that is constructed of materials complementary to those used in the exterior construction of the Data Center Principal Building. This shall be accomplished by setting the penthouse or screened area back from the façade of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the top of the parapet. Roof-top equipment to be screened includes, but is not limited to, the following: cooling, ventilation, and power supply machinery.
 - ii. All screening shall be backset from the building edge a minimum of 4 feet except that a parapet wall may be at the building edge provided it does not exceed 20 feet in total height at the edge.
 - iii. Roof-top equipment that is visible above the parapet wall shall be set back from the exterior or parapet wall a distance no less than the height of said equipment.
 - iv. Roof-top equipment may exceed the applicable maximum building height when completely screened pursuant to this ordinance but shall not exceed 28 feet in total height..
 - v. Roof-top equipment may occupy up to a maximum of 50% of the roof area when screened per this ordinance. A additional 25% of the roof area may be occupied utilizing solar panels not to exceed 75% combined area. When combined with the height of the Data Center building, does not exceed the maximum of 28 feet.
- (3) Buffering

- a. Data Center sites abutting Sensitive Receptors or collector/arterial roads must include an enhanced buffer yard with required plantings located on an earthen berm with a grade no steeper than 2:1. The minimum height of the berm abutting Sensitive Receptors is 33% of the total height of the building plus rooftop equipment or 5 feet whichever is greater, and abutting collector/arterial roads is 5 feet.
- i. Where the combined footprint of the principal structure or structures is less than 100,000 square feet:
 - a. A minimum 100-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.
 - b. A minimum 50-foot buffer yard shall be provided along any property line adjacent to a non-residential use or zone.
- ii. Where the combined footprint of the principal structure or structures is between 100,000 square feet and 250,000 square feet:
 - a. A minimum 150-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.
 - b. A minimum 50-foot buffer yard shall be provided along all other property lines.
- iii. Where the combined footprint of the principal structure or structures exceeds 250,000 square feet:
 - a. A minimum 300-foot buffer yard shall be provided along the entire length of any public street frontage of any property upon which the Data Center is located and along any property line which abuts or is within 500 feet of an existing residential property line or zone, school, daycare center, hospital, place of worship, designated park, or public open space.
 - b. A minimum 50-foot buffer yard shall be provided along all other property lines. iv. Utilities should be located outside of buffer yards to the maximum extent feasible to maintain a cohesive buffer yard, protect landscaping, and preserve open space. Utilities should be co-located when feasible to minimize the number of utility crossings through the required buffer yard, particularly when such crossings cannot be avoided.
- v. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings if approved by the City Council.
- vi. The required number of plant units shall be calculated in accordance with other municipal screening requirements.
- vii. Buffer yards along roadways shall be measured from the street right-of-way line.
- viii. Where a lot line drainage or utility easement is required, the buffer yard shall be measured from the inside edge of the easement.

- ix. Buffer yards shall not include environmental encumbrances such as, but not limited to, wetlands, wetland transition areas, riparian buffers, and flood hazard areas as may be imposed by outside agencies.
- x. The buffer yard shall include a dense landscape buffer consisting of the following:
 - a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of eight (8) feet in height at the time of planting. Narrow/upright evergreen species may also be used within buffers at a ratio of 3:1. No more than 25% of the total required large evergreen species can be substituted with narrow/upright species.
 - b. One (1) canopy (shade) tree per 75 linear feet of buffer. The size of canopy (shade) trees shall be a minimum of 2 ½ inch caliper at the time of planting.
 - c. One (1) ornamental/flowering tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of eight (8) feet in height for multistemmed varieties, or 2 ½ inch caliper at the time of planting for single-stemmed varieties.
 - d. Five (5) shrubs per 25 linear feet of buffer. Shrubs shall be fully branched and a minimum of three (3) feet in height at the time of planting. Shrubs shall be a combination of evergreen and deciduous species, with a minimum of 50% evergreen.
- xi. The landscape buffer shall be located along the outer edge of the buffer yard.
- xii. Plant material within buffer plantings shall meet the following requirements:
 - a. Be resistant to diesel exhaust.
 - b. Not identified on the most current Texas Invasives Database, Texas Department of Agriculture Noxious and Invasive Plants List or Texas Parks and Wildlife Invasive, Prohibited and Exotic Species List.
 - c. Be hardy within United States Department of Agriculture (USDA) hardiness Zones 8a and 8b.
 - d. Shall be planted on the top and the exterior of any berm in order to provide effective screening.
 - e. Shall be arranged in groupings to allow for ease of maintenance and to provide a natural appearance.
 - f. Shall provide a diversity in plant species, such that no one species accounts for more than 25% of each plant type.
 - g. The plantings shall be arranged to provide a complete visual screen of the property at least 12 feet in height, measured in addition to the height of any required berm, within three (3) years.
- xiii. The buffer yard may be located within the required building setback lines. No impervious surface is permitted within the buffer yard aside from access drives, sidewalks, and associated improvements.

Q. Environmental and Community Impact Analysis

Prior to the commencement of the SPECIAL USE/SPECIAL EXCEPTION hearing, the applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:

- (1) A narrative description prepared by a professional engineer, ecologist, environmental planner or other qualified individual, of the proposed nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials, and the relationship to other projects or proposals. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.
- (2) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within 500 feet of the boundaries of the property, and the potential for public nuisance to residents resulting from operations.
- (3) Evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
- (4) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - a. Emergency services and fire protection,
 - b. Water supply,
 - c. Sewage disposal,
 - d. Solid waste disposal,
 - e. School facilities and school district budget,
 - f. Municipal revenues and expenses, and
 - g. Stormwater.
- (5) Any environmental impacts that are likely to be generated (i.e., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.
- (6) The applicant shall identify all stationary and mobile sources of particulate matter (PM_{2.5}) volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air polluting emissions at the site.
- (7) Consistency with the City and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the analysis report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
- (8) Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
 - a. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acidic or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

- b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided is required to be submitted with the analysis, along with proposed environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.
- (9) If modular, factory-built construction is proposed, details of its construction shall be provided to the City for review/approval.

R. Building Colors/Materials

External building materials and colors should reflect the character of the surrounding environment and structures.

S. Emergency Responders

The applicant shall coordinate with the City emergency management coordinator to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Van Zandt County Public Safety Radio Communications System at the exterior of the building, and shall install enhancement systems as needed to meet compliance.

- (1) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - a. Be reviewed by the local fire department and emergency management services as part of the land development process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - c. Include an evaluation of the adequacy of the local fire department equipment;
 - d. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - e. Ensure that all first responders receive adequate training specific to the installed system;
 - f. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
- (2) Each Data Center operation shall provide 24-hour emergency contact signage visible at the access entrance. Signs shall include the company name (if applicable), the owner/representative's name, the telephone number, and the corresponding local power company's name and telephone number.
- (3) A Knox Box shall be attached to the Pole at the entry gate to any enclosed property containing keys/access codes and MSDS sheets for emergency access by first responders.
- (4) A Knox Box shall be attached to the wall adjacent to the primary access point of each building on the property containing keys/access codes and MSDS sheets for emergency access by first responders.

T. Decommissioning

Data Centers are recognized as a distinct use that warrants special consideration due to their limited operational lifespans and the potential for residual materials or infrastructure that may require specialized removal or remediation at the end of use. Given the rapid evolution of data storage and processing technologies, applicants shall submit a decommissioning plan for removal of obsolete equipment and site restoration at the end of the facility's operational life. Such plan shall address dismantling and removal of all equipment and appurtenances related thereto, including but not limited to special cabling and

electrical components, electronic equipment, special cooling equipment, special power generation, batteries and other associated facilities from the property to a condition where the building and property may be reused for another purpose. These provisions are intended to ensure compatibility with surrounding land uses, maintain long-term land use flexibility, and promote the orderly reuse or redevelopment of the property. When the operation of the Data Center ceases, the recycling or responsible disposal of decommissioned hardware and materials shall be prioritized to reduce environmental impact. The operator shall partner with certified E-waste recycling facilities to ensure the proper handling and recycling of electronic components.

Prior to issuance of a certificate of occupancy for a Data Center, the owner shall provide financial security, in the form and amount of a bond to the City to secure the expense of decommissioning, dismantling, removing, and disposal of the Data Center specific components and equipment, in the amount of 125% of the estimated decommissioning cost minus the salvageable value of the Data Center.

The City reserves the right to review once every five (5) years an engineer's new estimate of probable cost of decommissioning, which shall be submitted for approval in the same manner as the initial submission. The bond to the City shall be increased, as appropriate, upon a finding by the City Council that the new estimate appropriately addresses the probable cost of decommissioning.

The owner of the Data Center shall pay for all fees associated with the review and approval of each such decommissioning cost estimate by the City's Engineer.

U. Green Building Techniques

Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

- (1) Site Design
 - a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes b. Minimize land disturbance
 - c. Maximize tree preservation
 - d. Minimize impervious surfaces
 - e. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity
- (2) Energy/Resource Efficiency
 - a. Orient buildings to take advantage of passive cooling and daylight opportunities
 - b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible
 - c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours
 - d. Utilize reclaimed water for cooling, if available, promoting its use to regulate cooling output in real-time on workload demands
 - e. Incorporate waste heat recovery systems for use on or off-site, and set measurable goals for its implementation
 - f. Encourage systems that limit the use of finite natural resources and their disposal
 - g. Encourage fuel storage that limits impacts on the environment from potential spills
 - h. Install water-efficient landscape materials
 - i. Utilize LED exterior/interior lighting

V. LEED Certification

The implementation of energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings Initiative and U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Certification system is strongly encouraged.

W. Woodland Disturbance

Woodland disturbance, including alteration or removal of any hedgerows, shall be minimized. No portions of tree masses, tree lines, hedgerows, or individual freestanding trees measuring six (6) inches or greater in diameter at breast height (DBH) shall be removed unless it is clearly necessary to effectuate the proposed development. In no case shall more than 50% of any existing tree masses, tree lines, hedgerows, or individual freestanding trees with six (6)-inch or greater DBH be removed. For purposes of this subsection, a woodland is defined as a tree mass or plant community in which tree species are dominant or codominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., six (6)-inch or greater DBH) covering an area of .25 of an acre or more, or consisting of more than 50 individual trees six (6) inches or greater DBH, shall be considered a woodland.

X. Threatened and Endangered Species

(1) TXNDD

A Texas Natural Diversity Database report by the Texas Department of Parks & Wildlife dated within two (2) years of the submission of an application for special use/special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the municipality.

(2) Compliance

The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

Y. Riparian Forest Buffer Area

Data Centers subject to the requirements of this Section must satisfy the stricter of the requirements of this Section, or Texas Parks & Wildlife Riparian Buffer Requirements.

- (1) For purposes of this Section, a riparian buffer is an area of permanent vegetation along a waterway that is left undisturbed to allow for the natural succession of native vegetation. A riparian forest buffer is a type of riparian buffer that consists predominantly of native trees, shrubs, and forbs, providing at least 60% uniform canopy cover.
- (2) Where the project site contains, is along, or is within 150 feet of a perennial or intermittent river, stream, creek, lake, wetland, floodplain, pond, or reservoir, whether natural or artificial, the use will be subject to the requirements of this Section and shall, in accordance with the requirements of this subsection, do one of the following:
 - a. Protect an existing riparian forest buffer
 - b. Convert an existing riparian buffer to a riparian forest buffer
 - c. Establish a new riparian forest buffer
- (3) Where a riparian forest buffer exists, it shall be left intact to meet the width requirements in subsections (6) and (7). An existing riparian forest buffer need not be altered to establish individual Zones 1 and 2 under subsection (9).

- (4) Riparian buffers that consist predominantly of native woody vegetation that do not satisfy the composition requirements for a riparian forest buffer in subsection (1) or the width requirements in subsections (6) and (7) shall be enhanced or widened, or both, by additional plantings in open spaces around existing native trees and shrubs to provide at least 60% uniform canopy cover for the required width and shall be composed of zones in accordance with subsection (9).
- (5) On sites without native woody vegetation, a riparian forest buffer providing at least 60% uniform canopy cover shall be established to meet the width requirements in subsections (6) and (7) and be composed of zones in accordance with subsection (9).
- (6) The width of the riparian forest buffer shall be a minimum of 100 feet on each side of the water body as measured from the top of the bank. The boundary of the buffer shall follow the natural streambank or shoreline.
- (7) Measured within the 100-foot buffer, the following additional distances shall be added to the minimum width of the riparian forest buffer:
 - a. 10 feet if the average slope is 10-15%,
 - b. 20 feet if the average slope is 16-17%,
 - c. 30 feet if the average slope is 18-20%,
 - d. 50 feet if the average slope is 21-23%,
 - e. 60 feet if the average slope is 24-25%, or
 - f. 70 feet if the average slope exceeds 25%.
- (8) In the case of the presence of a nontidal wetland or vernal pond wholly or partially within the riparian buffer area, an additional 25 feet shall be added to the width of the riparian forest buffer area for that portion of the buffer area along the wetland, floodplain, or pond.
- (9) A new riparian forest buffer or a converted riparian forest buffer shall be composed of zones as follows:
 - a. Zone 1 shall begin at the top of the streambank or normal pool elevation of a lake, pond, or reservoir and occupy a strip of land 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian tree species identified by the Texas Parks & Wildlife as native to the area.
 - b. Zone 2 shall begin at the landward edge of Zone 1 and occupy an additional strip of land a minimum of 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian trees and small tree/shrub species identified by the Texas Parks & Wildlife as native to the area
- (10) No earth disturbance, land development, or storing or stockpiling of materials shall occur within the riparian forest buffer area.
- (11) In the management of riparian buffers, noxious weeds and invasive species shall be removed or controlled to the greatest extent possible.
- (12) Existing, converted, and newly established riparian buffers, including access easements, must be protected in perpetuity through deed description, conservation easement, permit conditions, or any other mechanisms that ensure the long-term functioning and integrity of the riparian buffer.

- (13) The riparian buffer shall be designated on the final subdivision and/or land development plan.