

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, IOWA:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Ordinance is to establish clear, reasonable, and predictable regulations for the siting, construction, expansion, operation, and continuing compliance of data centers within the City of Clinton.

The City finds that data centers may provide substantial economic development benefits, including tax base growth, construction activity, long-term employment, and significant private investment in real property and utility infrastructure. The City further finds that data centers may involve substantial demands upon public infrastructure and may create concerns relating to water use, electric demand, lighting, noise, vibration, emergency response, stormwater, roadway impacts, and compatibility with nearby land uses.

It is the intent of this Ordinance to:

- (A) allow data centers as a principal use in appropriate industrial zoning districts within the City;
- (B) require adequate advance planning for utility demand, water use, stormwater management, noise mitigation, roadway impacts, emergency response, and buffering;
- (C) protect the public health, safety, and welfare, surrounding properties, and City infrastructure;
- (D) provide a review process that is transparent and coordinated while not treating a data center as a special use unless otherwise expressly required by another provision of the City Code; and
- (E) preserve the City's ability to require project-specific development agreements, road use agreements, utility agreements, water use agreements, and similar infrastructure-related protections where appropriate.

SECTION 2. DEFINITIONS.

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

Section 159.004 of the Code of Ordinances of the City of Clinton, Iowa, is hereby amended by adding the following definitions:

“DATA CENTER” means a building, structure, or facility, or group of buildings or structures, used primarily for the centralized storage, processing, management, transmission, or distribution of digital data or information through computer servers, telecommunications equipment, cloud computing equipment, colocation systems, network equipment, digital storage systems, or similar information technology infrastructure, including facilities dedicated data mining or cryptocurrency. A data center may include accessory office space, maintenance facilities, employee support facilities, security facilities, backup power generation, battery energy storage systems, cooling systems, substations, switchyards, solar arrays, water treatment systems, water recycling systems, district energy or microgrid infrastructure, and other support facilities customarily incidental to the principal use. This definition generally encompasses HYPERSCALE DATA CENTERS, as defined herein, except where said hyperscale data centers are treated differently in this Chapter due to their definitional criteria.

“DATA CENTER CAMPUS” means one or more data center buildings and related accessory structures, equipment, infrastructure, or phased improvements located on one or more parcels under common ownership, common control, or a unified development plan.

“DATA CENTER DEVELOPMENT PLAN” means the site plan, engineering materials, studies, utility information, operational plans, agreements, and supporting materials required under § 159.033 before construction or operation of a data center.

“SENSITIVE RECEPTOR” means a residential dwelling, residentially zoned property, school, daycare, hospital, nursing home, church, public park, place of public assembly, or other use determined by the City to be especially sensitive to noise, lighting, vibration, traffic, or similar off-site impacts.

“WATER-EFFICIENT COOLING SYSTEM” means a cooling system designed to minimize potable water consumption through the use of closed-loop cooling, air cooling, zero-water cooling, hybrid cooling, recycled water, non-potable water, water reuse, or another technology acceptable to the City based on site-specific review and available infrastructure.

“HYPERSCALE DATA CENTER” as distinguished from a “DATA CENTER” defined above, means a data center facility, campus, or group of buildings under common ownership or control that is designed, constructed, or operated to support large-scale computing, cloud, or data storage operations, and that meets one or more of the following thresholds:

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

A. The facility contains or is designed to contain more than 100,000 square feet of gross floor area devoted to data center operations; or

B. The facility has an aggregate critical IT load or total electrical demand capacity of 20 megawatts or greater; or

C. The facility is part of a multi-building or campus-style development intended to operate as a unified data processing complex with shared infrastructure, including but not limited to substations, cooling systems, backup power generation, or network connectivity.

A hyperscale data center is distinguished from a standard or enterprise data center by its scale, intensity of utility usage, continuous operation, and associated infrastructure impacts, including but not limited to power generation, cooling systems, and network capacity requirements.

SECTION 3. NEW SECTION ADDED.

Chapter 159 of the Code of Ordinances of the City of Clinton, Iowa, is hereby amended by adding a new § 159.033 as follows:

§ 159.033 DATA CENTERS.

(A) Applicability.

(1) This section applies to all new data centers and data center campuses constructed, expanded, or operated within the City after the effective date of this Ordinance.

(2) No zoning permit, building permit, grading permit, utility connection approval, certificate of occupancy, or other City approval shall be issued for a data center until the applicant has complied with this section.

(3) Approval under this section shall be processed as a Data Center Development Plan approval and shall not be treated as a special use permit unless otherwise expressly required by a separate provision of this Code.

(4) A data center shall also comply with all other applicable provisions of Chapter 159, including but not limited to height and area requirements, supplemental regulations, zoning permit requirements, off-street parking and loading requirements, and sign regulations, except as specifically modified by this section.

(B) Permitted Districts.

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

Data centers and data center campuses shall be permitted principal uses only in the M-1 Industrial (Light), M-2 Industrial (Heavy), and M-3 Industrial (Park) Districts, subject to compliance with this section.

(C) Data Center Development Plan Required.

Before any permit is issued for a data center, the applicant shall submit a Data Center Development Plan to the City. The plan shall be reviewed by the Zoning Administrator, City Administrator or designee, Building Official, Fire Marshal, Public Works Director, City Engineer, and such outside consultants as the City deems reasonably necessary. The Data Center Development Plan shall include, at minimum:

- (1) legal description of the project area and all parcels included in the proposed campus
- (2) documentation of ownership, leasehold interest, purchase agreement, option, or other legal control of the property;
- (3) a project narrative describing the proposed facility, including building sizes, number of buildings, phasing, estimated construction timeline, approximate number of employees, anticipated construction traffic, and anticipated operational traffic;
- (4) a site plan showing all proposed buildings, equipment yards, substations, switchyards, backup generators, battery energy storage systems, cooling equipment, water facilities, access drives, parking, loading areas, security features, fencing, landscaping, stormwater facilities, utility connections, lighting, and setbacks;
- (5) a utility plan showing proposed water, sanitary sewer, storm sewer, electric, fiber, gas, and other utility infrastructure;
- (6) a water use plan and water study as required by subsection (H);
- (7) written verification from the electric utility provider that the maximum projected electrical demand has been disclosed and that the utility provider has reviewed the capacity and infrastructure needed to serve the project;
- (8) a lighting plan as required by subsection (J);
- (9) a pre-construction noise and vibration study as required by subsection (K);
- (10) a transportation impact analysis and construction traffic/road use plan as required by subsection (L);
- (11) a stormwater management plan, erosion control plan, and stormwater pollution prevention plan, if applicable;
- (12) an emergency response and fire safety plan as required by subsection (M);
- (13) a backup power and fuel storage plan as required by subsection (N);
- (14) a waste management and decommissioning plan as required by subsection (O);
- (15) a community communication and complaint response plan;

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

- (16) identification of any requested City incentives, tax increment financing, public improvements, or cost-sharing requests; and
- (17) such other engineering or technical information as the City reasonably requires to determine compliance with this section.

(D) Review and Approval Procedure.

- (1) The Data Center Development Plan shall be submitted to the Plan Commission for review and recommendation.
- (2) After receiving the Plan Commission recommendation, the City Council may approve, approve with conditions, or deny the Data Center Development Plan by resolution.
- (3) The City Council may approve the Development Plan only upon finding that:
 - (a) the project is located in an allowed zoning district;
 - (b) the project has adequate access, utilities, and public infrastructure, or will provide the improvements necessary to achieve the same;
 - (c) potential impacts related to noise, water use, power demand, lighting, vibration, traffic, emergency response, stormwater, and surrounding land uses have been reasonably addressed;
 - (d) the project complies with this section and other applicable City ordinances; and
 - (e) the project will not create an unreasonable adverse impact on public health, safety, welfare, City infrastructure, or surrounding properties.
- (4) Approval of a Data Center Development Plan shall not eliminate the need for building permits, utility permits, grading permits, fire code compliance, state or federal permits, or any required development agreement.

(E) Setbacks.

- (1) Principal data center buildings shall be set back at least one hundred (100) feet from all exterior property lines.
- (2) Principal data center buildings shall be set back at least five hundred (500) feet from any residentially zoned property, existing residential dwelling, school, daycare, hospital, nursing home, church, public park, or place of public assembly. In the case of hyperscale data centers, said set back requirement shall be at least one thousand (1000) feet.
- (3) Outdoor mechanical equipment, backup generators, battery energy storage systems, cooling equipment, transformers, substations, switchyards, and similar equipment shall be set back at least five hundred (500) feet from any existing residential dwelling or residentially zoned property unless the City Council approves a lesser setback based on a professional noise study, screening plan, safety review, and specific finding that impacts are adequately mitigated. In the case of hyperscale data centers, said set back requirement shall be at least one thousand (1000) feet.

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

(4) The City Council may require greater setbacks where necessary due to site conditions, equipment location, topography, surrounding land uses, or potential off-site impacts.

(5) The City Council may approve reduced setbacks where the applicant demonstrates that equivalent or greater protection will be provided by enclosed equipment, sound walls, berms, landscaping, building orientation, topography, or other mitigation.

(F) Site Design, Screening, and Orientation.

(1) Buildings and equipment shall be arranged to minimize visual, noise, lighting, and operational impacts on public streets and sensitive receptors.

(2) Outdoor mechanical equipment, generators, cooling equipment, electrical yards, substations, refuse areas, loading areas, and service areas shall be screened from public streets and sensitive receptors using buildings, fences, walls, berms, landscaping, or a combination thereof.

(3) Ground-mounted equipment shall not be located within required setbacks unless specifically approved as part of the Data Center Development Plan.

(4) A landscape buffer shall be required along public street frontages and along any property line adjoining or facing a sensitive receptor. The buffer may include evergreen plantings, canopy trees, shrubs, berms, fencing, or walls.

(5) Existing mature vegetation shall be preserved and incorporated into the screening plan where reasonably practical.

(6) Exterior building materials shall be durable and of low-reflective colors. Highly reflective, fluorescent, or metallic exterior wall colors are prohibited except as approved accent materials.

(G) Utilities and Infrastructure.

(1) Utility connections shall be placed underground where reasonably practical, except for substations, transmission infrastructure, switchyards, or similar equipment that must be above ground for operational or utility reasons.

(2) The applicant shall be responsible for public infrastructure improvements made necessary by the project unless otherwise expressly approved by the City Council in a development agreement.

(3) The City may require one or more development agreements, utility agreements, infrastructure reimbursement agreements, easements, or similar documents addressing infrastructure construction, cost allocation, inspection, utility extensions, long-term maintenance, and related public improvements.

(4) No data center shall connect to City water, sewer, stormwater, or other public infrastructure except through approved, inspected, and metered connections.

(H) Water Use, Cooling, and Water Protection.

(1) The applicant shall submit a water use plan and water study prepared by a qualified professional acceptable to the City.

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

(2) The water use plan shall identify the proposed cooling system type, including whether the facility will use closed-loop cooling, air cooling, zero-water cooling, hybrid cooling, evaporative cooling, recycled water, non-potable water, water reuse, or another cooling technology.

(3) The City does not require one specific cooling technology; however, the applicant shall demonstrate that the proposed cooling system is water-efficient, appropriate for the site, and will not create an unreasonable burden on the City's water supply, treatment capacity, distribution system, or emergency water needs.

(4) The water study shall identify:

(a) proposed sources of water;

(b) estimated average daily, peak daily, monthly, annual, and construction-period water demand;

(c) estimated water demand by category, including cooling, domestic use, fire protection, construction, dust control, concrete work, irrigation, and any other significant use;

(d) whether potable water, non-potable water, reclaimed water, surface water, groundwater, or another source is proposed;

(e) whether any wells, surface water withdrawals, or state water use permits will be required;

(f) proposed water conservation, reuse, recycling, or reduction measures;

(g) anticipated impacts on City water supply, pressure, treatment capacity, storage, and distribution systems;

(h) anticipated sanitary sewer or wastewater discharge impacts;

(i) drought, emergency, or supply interruption procedures;

(j) any proposed backup water source; and

(k) any required Iowa Department of Natural Resources permits or approvals.

(5) Evaporative cooling or other water-intensive cooling methods are not prohibited outright, but may be approved only if the applicant demonstrates that projected water demand is reasonable, sustainable, appropriately mitigated, and will not create an unreasonable adverse impact on the City's water system, emergency water supply, other utility users, or long-term community needs.

(6) Separate meters or submeters shall be installed as required by the City to measure major categories of water use.

(7) The City may require periodic water use reporting.

(8) No temporary, construction, bypass, unmetered, or auxiliary water connection shall be installed or used without prior written City approval.

(9) The City may require a Water Use Agreement prior to issuance of the first building permit.

(10) If actual water use materially exceeds approved projections, the City may require updated studies, mitigation, amended agreements, or other corrective action as allowed by law.

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

(I) Electrical Demand and Power Infrastructure.

- (1) The applicant shall provide written verification from the electric utility provider that maximum projected electrical demand has been disclosed and that the utility provider has reviewed the infrastructure necessary to serve the project.
- (2) The applicant shall identify proposed substations, switchyards, transmission lines, distribution lines, transformers, backup power systems, battery energy storage systems, and related infrastructure.
- (3) The applicant shall identify whether any public improvements, rights-of-way, franchises, or easements are required.
- (4) To the extent allowed by law, project-related utility improvements shall be structured so that costs directly attributable to the data center are not shifted to general City taxpayers or unrelated utility users.

(J) Lighting.

- (1) Outdoor lighting shall be full cutoff, fully shielded, and directed downward.
- (2) Lighting shall be designed to prevent glare, sky glow, and light trespass onto adjoining properties and public roadways.
- (3) Light projected onto residential property shall not exceed 0.1 footcandle at the receiving residential property line.
- (4) Light projected onto nonresidential property shall not exceed 0.5 footcandle at the receiving property line.
- (5) LED lighting shall not exceed 3000K correlated color temperature unless otherwise approved for safety or security reasons.
- (6) Pole-mounted lighting shall not exceed twenty-five (25) feet in height unless otherwise approved as part of the Development Plan.
- (7) Nonessential lighting shall be motion-controlled, dimmed, or reduced after business hours, except lighting reasonably necessary for security, safety, emergency access, and 24-hour operations.

(K) Noise and Vibration.

- (1) The applicant shall submit a pre-construction noise and vibration study prepared by a qualified acoustical professional, licensed engineer, or other professional acceptable to the City.
- (2) The study shall evaluate anticipated noise from cooling systems, mechanical equipment, backup generators, electrical equipment, substations, transformers, battery systems, truck traffic, and other operational sources.
- (3) Normal data center operations shall not exceed the following limits, measured at the exterior wall of an occupied structure or at the property line of a sensitive receptor, as determined by the City:

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

- (a) fifty-five (55) dBA hourly average and sixty-five (65) dBC hourly average at residential or sensitive receptor locations; and
- (b) sixty-five (65) dBA hourly average and seventy-five (75) dBC hourly average at nonresidential locations.

(4) Where tonal, humming, whining, pulsing, or similar low-frequency characteristics are present, the City may require additional mitigation or may apply a five (5) dB reduction to the otherwise applicable limit.

(5) Generator testing, major maintenance, and other planned high-noise activities shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday, except during emergencies, outages, grid events, required commissioning, or as otherwise approved by the City.

(6) Backup generators may operate during emergencies, power interruptions, grid reliability events, required testing, or commissioning.

(7) A post-construction noise evaluation shall be submitted after commencement of operations and after each major phase is placed into service.

(8) The City may require additional testing following credible complaints or material changes in equipment, operations, or site layout.

(9) Continuous operational vibration shall not be perceptible at any occupied structure on adjoining property under normal operating conditions. If complaints are received, the City may require a vibration study and reasonable mitigation.

(L) Traffic, Access, and Road Use.

(1) The applicant shall submit a transportation impact analysis and a construction traffic and road use plan.

(2) The transportation impact analysis shall address, at minimum, projected trip generation, turning movements, site access design, internal circulation, delivery traffic, construction traffic, stacking or queuing needs, and recommended roadway improvements, if any.

(3) The road use plan shall identify construction entrances, haul routes, expected truck volumes, staging areas, proposed oversized loads, traffic control measures, and dust control measures.

(4) The City may require a Road Use Agreement before construction. The agreement may require pre-construction and post-construction road condition surveys, roadway repair, dust control, traffic control, and financial security acceptable to the City.

(M) Emergency response, fire safety, and security.

The applicant shall submit an emergency response plan before issuance of any building permit. The plan shall be developed in coordination with the Clinton Fire Department, Clinton Police Department, emergency management officials, and such other responders or officials as the City may designate. The emergency response plan shall address, at a minimum, fire response, severe weather, medical emergencies, hazardous materials, fuel storage, battery energy storage systems if any, electrical

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

emergencies, evacuation procedures, emergency access gates, Knox boxes or equivalent emergency access systems, site contact information, and procedures for coordination with first responders. A clean-agent, pre-action, sprinkler, or other fire suppression system shall be installed and maintained as required by applicable building and fire codes. The operator shall provide annual emergency response coordination or training upon request of the Fire Chief. The site shall maintain conspicuous 24-hour emergency contact signage at each principal entrance.

(N) Backup power, generators, batteries, and fuel.

The applicant shall submit a backup power plan identifying the number, size, location, fuel source, expected runtime, emission controls, sound attenuation, testing schedule, and permitting status of all backup generators and battery energy storage systems. All fuel storage shall comply with applicable federal, state, and local laws, regulations, and codes. All battery energy storage systems shall comply with applicable electrical, building, and fire code requirements and shall be specifically identified within the emergency response plan. Generator testing shall comply with the noise standards of this section except where a different operational schedule is required by law, permit, utility requirement, manufacturer specification, commissioning need, or emergency condition.

(O) Waste management and decommissioning.

The applicant shall submit a construction waste management plan identifying expected waste types, recycling or reuse opportunities, disposal methods, and procedures for handling construction debris. All servers, processors, electronic equipment, batteries, chemicals, coolants, fuels, and similar materials shall be stored, handled, recycled, and disposed of in compliance with law. Outdoor storage of retired servers, computer equipment, shipping containers, trailers, or similar materials shall be prohibited except where specifically approved by the City as temporary construction staging. The applicant shall submit a decommissioning plan describing how principal structures, accessory structures, equipment, materials, and related installations will be removed, repurposed, or lawfully managed if the facility is permanently discontinued or abandoned. If data center operations cease for a period exceeding twelve (12) consecutive months, the City may require the owner to update and implement the decommissioning plan unless the owner demonstrates, to the satisfaction of the City, a good-faith plan to resume operations or lawfully repurpose the site.

(P) Stormwater and environmental compliance.

The applicant shall comply with all applicable local, state, and federal stormwater, erosion control, floodplain, wetland, drainage, and environmental requirements. Stormwater facilities shall be designed to account for the scale of roof area, impervious surface, utility yards, and phased construction contemplated by the Data Center Development Plan. The applicant shall identify all wetlands, floodplain areas, drainageways, waterways, and environmentally sensitive features located on or

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

adjacent to the site. The applicant shall be responsible for repairing damage to public drainage systems caused by the project.

(Q) Public communication and complaint response.

The operator shall maintain a publicly available telephone number or email address for complaints or inquiries regarding construction, noise, lighting, traffic, water, or other operational issues related to the project. Complaints received by the operator shall be logged and shall be made available to the City upon reasonable request. The operator shall respond to City inquiries regarding complaints within a reasonable time. Where credible complaints indicate a potential violation of this section, the City may require additional testing, mitigation, or corrective action.

(R) Confidentiality and open records.

Any applicant submitting information it believes to be confidential, proprietary, security-sensitive, or trade secret shall clearly identify the specific information claimed to be confidential at the time of submission and shall provide a written explanation supporting the claim. The City shall handle such information in accordance with Iowa Code Chapter 22 and other applicable law. Nothing in this section shall authorize a blanket nondisclosure agreement that prevents City staff, the Plan Commission, the City Council, or the public from discussing nonconfidential public matters relating to a proposed project. Final determinations regarding access to public records shall be made in accordance with Iowa law.

(S) Agreements.

As a condition of approval or permit issuance, the City may require one or more agreements relating to the project, including but not limited to a development agreement, water use agreement, road use agreement, public infrastructure agreement, utility extension or reimbursement agreement, stormwater maintenance agreement, easement, or access agreement. Any such agreement may address, as applicable, infrastructure construction, cost allocation, public improvements, maintenance obligations, inspection rights, community benefits, reporting requirements, performance standards, financial assurances, reimbursement, and remedies for noncompliance. If the project receives tax increment financing, rebates, exemptions, infrastructure assistance, or other public participation, the City Council may require community benefit provisions, clawback provisions, workforce or reporting commitments, public infrastructure contributions, or other terms reasonably related to the project and consistent with law.

(T) Ongoing compliance.

The operator shall certify annually, in a form approved by the City, that the data center remains in substantial compliance with this section, the approved Data Center Development Plan, and any related agreements. Material changes to the approved project, including significant building additions, new generator yards, new substations,

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

major changes in cooling technology, material increases in water consumption, or significant increases in power demand, shall require review and approval by the City in the manner determined appropriate by the Zoning Administrator and City Council. The City may inspect the property, subject to reasonable notice and lawful safety and security procedures, to verify compliance with this section. Violations of this section may be enforced through any remedy authorized by the City Code or applicable law, including withholding of permits, suspension or revocation of approvals to the extent authorized by law, civil penalties, injunctive relief, and other lawful remedies.

(U) Decommissioning, Abandonment, and Site Restoration.

(1) Decommissioning Plan Required.

As part of the Data Center Development Plan, the applicant shall submit a written decommissioning plan prepared by a qualified professional. The plan shall describe in reasonable detail the method by which all buildings, structures, equipment, and related improvements associated with the data center will be decommissioned, removed, recycled, or lawfully disposed of upon cessation of operations. The plan shall include anticipated timelines, removal methods, waste management procedures, identification of materials subject to specialized disposal requirements, and proposed site restoration measures.

(2) Triggering Events.

A data center or data center campus shall be deemed discontinued or abandoned upon the occurrence of any of the following events:

- (a) The cessation of active data center operations for a continuous period of twelve (12) months;
- (b) The failure to maintain a valid certificate of occupancy or required operational permits for a continuous period of twelve (12) months;
- (c) A written notice by the owner or operator of intent to cease operations; or
- (d) A determination by the City Council, based on substantial evidence, that the facility has been substantially vacated, rendered inoperable, or is no longer used for its permitted purpose.

(3) Obligation to Decommission.

Upon the occurrence of a triggering event, the owner shall, within ninety (90) days, submit an updated decommissioning schedule for City approval and shall complete all required decommissioning activities within a period not to exceed twelve (12) months from the date of the triggering event unless extended by the City Council for good cause shown.

(4) Scope of Decommissioning.

Decommissioning shall include, at a minimum:

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

- (a) Removal of all buildings, foundations, equipment, generators, tanks, substations, battery storage systems, cooling systems, fencing, and accessory structures;
- (b) Removal of all surface and subsurface components to a depth reasonably necessary to support future redevelopment, as determined by the City Engineer;
- (c) Removal or proper abandonment of utilities in accordance with applicable laws and utility provider requirements;
- (d) Disposal, recycling, or reuse of all materials in accordance with all federal, state, and local requirements; and
- (e) Restoration of the site to a stabilized, graded, and revegetated condition suitable for future lawful use, including erosion control and stormwater management measures.

(5) Partial Decommissioning.

Where a data center campus is developed in phases or contains multiple buildings, the City may require decommissioning of individual phases, buildings, or equipment that are no longer in active use, even if other portions of the site remain operational.

(6) Hazardous Materials Compliance.

All decommissioning activities shall fully comply with all applicable environmental laws, including those governing the handling, transportation, and disposal of hazardous materials, batteries, fuels, coolants, and electronic waste. The City may require documentation demonstrating proper disposal.

(7) Financial Assurance Required.

As a condition of approval or prior to issuance of the first building permit, the City Council may require the applicant to provide financial assurance in a form approved by the City, including but not limited to a performance bond, letter of credit, escrow account, or other security. The purpose of the financial assurance shall be to guarantee the faithful performance of the decommissioning obligations described in this section.

The amount of the financial assurance shall be based upon a third-party engineer's estimate of the full cost of decommissioning and site restoration, including contingency, and may be adjusted periodically by the City to reflect inflation, changes in site conditions, or updated cost estimates. The financial assurance shall remain in effect until the City determines that the decommissioning obligations have been fully satisfied.

(8) City Right to Perform Work.

In the event the owner fails to complete decommissioning as required by this section, the City may, upon reasonable notice, enter the property and perform or cause to be performed the required work. The City shall be entitled to recover all

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

costs incurred, including administrative, legal, and engineering costs, from the financial assurance or, if insufficient, through any lawful means, including assessment as a lien against the property.

(9) Access for Inspection.

The City shall have the right to inspect the property during decommissioning activities to ensure compliance with this section, subject to reasonable notice and applicable safety requirements.

(10) Successor Responsibility.

All decommissioning obligations shall run with the land and shall be binding upon all current and future owners, operators, lessees, and assigns of the property.

(V) Continuing Security and Financial Assurance.

In addition to any decommissioning security required under subsection (O), the City may require additional performance guarantees to ensure ongoing compliance with approved plans, including obligations related to infrastructure, water use, road maintenance, or other operational impacts. Such guarantees may be structured to convert, in whole or in part, to decommissioning security upon cessation of operations.

(W) Airport Protection and FAA Compliance

1. Applicability. This section shall apply to any data center or accessory structure that:

- (A) exceeds 50 feet in height; or
- (B) is located within five (5) miles of a public-use airport; or
- (C) is otherwise subject to Federal Aviation Administration (FAA) notice requirements under 14 C.F.R. Part 77.

2. FAA Notice and Determination Required.

Prior to issuance of any zoning approval, conditional use permit, site plan approval, building permit, or grading permit, the applicant shall:

- (A) file a Notice of Proposed Construction or Alteration (FAA Form 7460-1), as required by 14 C.F.R. Part 77; and
- (B) provide the City with a copy of the FAA's determination.

3. Condition of Approval.

No permit or approval shall be issued unless:

- (A) the FAA has issued a Determination of No Hazard to Air Navigation, or
- (B) the applicant demonstrates that the project has been modified to comply with FAA recommendations or conditions.

4. Height and Airspace Compliance.

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS

All data centers and associated structures shall comply with the airspace obstruction standards set forth in 14 C.F.R. Part 77, including the protection of imaginary surfaces associated with nearby airports.

5. Additional Requirements.

The City may impose additional conditions, including height limitations, lighting, marking, or operational restrictions, as necessary to ensure compatibility with airport operations and to protect public health, safety, and welfare.

6. Conflict with Other Regulations.

Compliance with FAA regulations shall not relieve the applicant of the obligation to comply with local airport overlay zoning or other applicable land use regulations.

Section 4. Section 159.032 amended.

Section 159.032(A) of the Code of Ordinances of the City of Clinton, Iowa, is hereby amended by adding a new subsection (4), to read as follows:

“(4) Data centers and data center campuses, subject to the requirements of § 159.033.”

Section 5. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective date.

This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

This ordinance is adopted by the City of Clinton and approved by the Mayor this day of

Mayor

ATTEST:

City Clerk

Ordinance NO. - AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF ORDINANCES OF THE CITY OF CLINTON, IOWA, BY ADDING DEFINITIONS AND A NEW § 159.033 GOVERNING DATA CENTERS, AND BY AMENDING §§ 159.030, 159.031, AND 159.032 TO ALLOW DATA CENTERS IN THE M-1, M-2, AND M-3 INDUSTRIAL DISTRICTS SUBJECT TO STANDALONE STANDARDS