BILL 26-78 ORDINANCE 26.78

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, CREATING A NEW ARTICLE AND SECTION WITHIN CHAPTER 405; ARTICLE VI-B DATA CENTER AND COLOCATION FACILITIES; SECTION 405.587: DATA CENTER AND COLOCATION FACILITIES; AND ADDITIONS TO SECTION 405.020: "DEFINITIONS" AS SET FORTH:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS:

Section 1. The Osage Beach City Code Chapter 405, Article VI, is hereby amended to include a new Article VI-B Data Centers to read as follows:

Article VI-B Data Centers

Section 405.587: Data Centers and Definitions

A. **Definitions.** As used in this Article, the following words shall have the definitions set forth below:

Colocation Facility: A third-party data center where businesses rent space, power, cooling, and physical security to house their own servers and networking hardware.

Data Center: A facility used primarily for the storage, management, processing, and transmission of digital data and that houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage, processing, and related operations. Data center uses include data storage facilities, server farms, artificial intelligence training or processing, image processing, cloud computing, email servicing, and similar uses. A Data Center may be a primary or secondary use. A Data Center also includes a colocation facility.

Backup Generators: Engines that are designed to be used for utility power outages to provide continuous electricity, preventing data loss, and service disruption.

Baseline noise level: A measure of noise, taken at the property line pre-application, that establishes dBA and dBC noise levels averaged over a 60-minute measurement period. Measurements shall include daytime levels (e.g., taken between 7:00 a.m. and 1:00 p.m.,) and nighttime levels (i.e., taken between 10:00 p.m. and 7:00 a.m.).

Major Data Center: A data center with gross square footage greater than 250,000 and less than 500,000 square feet, or with a Maximum Power Demand of 30 megawatts or more.

Maximum Power Demand: The facility's highest level of connected electricity load for critical IT and building systems and equipment, as set by a single contract with an electric service provider.

Micro Data Center: A data center with square footage of less than 10,000 gross square feet and Maximum Power Demand less than 5 megawatts.

B. **"Purpose"**. The Data Center regulations are established to promote the health, safety, and general welfare of the citizens, visitors, and businesses of the City. This Section is intended to govern and provide locations within the City of Osage Beach where Data Center Facilities can successfully provide their intended services to the public while maintaining the standard of life to which citizens and visitors of Osage Beach have become accustomed.

C. **"Data Center Facilities"**. This use will only be permitted as indicated in the following Use Table. The table designates how each type of data center is regulated in the existing zoning districts and whether the use is Permitted (P), prohibited (NA), or requires a Special Use Permit (SUP) approved by the Board of Aldermen. As a condition of approval, the Board of Aldermen **may require the applicant to enter into a Public Impact Agreement addressing mitigation** measures, infrastructure improvements, utility impacts, emergency services coordination, and other public welfare concerns.

USE TABLE

Use	A1	R (All)	M	E	LU	C (All)	I (All)
Micro Data Center	NA	NA	NA	SUP	NA	SUP	SUP
Standard Data Center	NA	NA	NA	NA	NA	NA	SUP
Major Data Center	NA	NA	NA	NA	NA	NA	SUP

D. No Data Center shall be permitted on a property that is contiguous with the Lake of the Ozarks.

Section 405.588: Data Centers Site and Location Requirements

Data Centers must be located in the appropriate zone for data center size and have a Special Use Permit approved by the Board of Aldermen. All proposed Data Center or Colocation Facilities must show that they will not negatively affect adjacent and surrounding properties by means of being noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, light, or glare. Data Centers must also meet the following requirements:

A. **Dimensional Standards.**

1. The dimensional standards of data centers and data center accessory uses shall be in accordance with existing standards in Section 405.430 of the Osage Beach City Code.

2. Standard and Major Data Centers, measured from their outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility. Micro Data Centers must have a minimum of one hundred (100) feet clearance from any property containing a religious institution, elementary or secondary school, or child daycare facility.

3. Standard and Major Data Centers, measured from their outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential or contains a previously established residential dwelling. Micro Data Centers must have a minimum of one hundred (100) feet clearance from any property that is zoned residential or contains a previously established residential dwelling. This includes properties zoned "A-1" that contain a previously established residential use and properties zoned "C-1" that have an established residential dwelling or have been approved for a Special Use Permit for a residential use in a commercial zone.

B. **Aesthetic Standards.**

1. The Data Center shall minimize the impact of lighting and aesthetics on surrounding properties. The Data Center shall not be visible from a public roadway. This may be done through natural topography, landscaping, fencing, berming, building placement, or a combination thereof.

   a. The applicant will submit plans for aesthetics, lighting, and landscaping that will demonstrate that the facility will meet this requirement and assure mitigation of sound, lighting, and visual impact to surrounding properties, as required by this section.

   b. All setback requirements, landscape requirements, and lighting restrictions, established for each individual facility with the approval of the required Special Use Permit, will be required to be in place prior to operation of the facility being approved by the City.

C. **Noise and Vibration Mitigation.**

1. The Data Center shall minimize the impact of sound on surrounding properties.
   The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound expected to be generated by the data center and/or data center accessory uses during normal operations will not exceed a maximum daytime decibel level of 80 dB and a maximum nighttime and weekend decibel level of 70 dB as measured from the property line of the use. Such sound study shall be conducted using sound level meters described in ANSI S1.4-2014 and generally accepted methodology.
2. A sound study shall be conducted at the following phases:
   a. A preliminary study shall be conducted as part of the Special Use Permit process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the required sound limits.
   b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the data center and data center accessory uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.
   c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy. An as-built sound study may also be required thereafter by the City. If it is determined by the as-built sound study that there is a violation of the required noise limits, it shall be considered a violation of this chapter and corrected as directed by the zoning official.

3. Maximum decibel levels specified herein shall not apply during times of power outage; however the required sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.
4. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the data center, data center accessory uses, or associated equipment will adversely affect surrounding properties.
5. It shall be unlawful for a Data Center to make, continue or allow to be made or continued any noise that can be heard within the limits of this City, which when measured from a distance of fifty (50) feet or more from the property line that exceeds eighty (80) decibels on an A-weighted scale during the hours of 7:01 a.m. to 10:00 p.m. or that measures seventy (70) decibels during the hours of 10:01 p.m. to 7:00 a.m. Failure to maintain compliance with the approved noise limits shall constitute grounds for suspension or revocation of the Special Use Permit.

D. **Water Usage.**

1. The Data Center shall minimize the impact on the water supply and wastewater disposal systems. This requirement is intended to prevent water waste or contamination. No water or wastewater from the required and approved cooling system will be discharged into Lake of the Ozarks. The applicant will submit plans demonstrating that the facility will use a closed-loop, non-water evaporative cooling system or other cooling system designed to minimize water consumption.
    a. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that there is an adequate supply of water for the proposed use and that the public authority will supply the water needed.
    b. If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study to establish that there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No data center shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
        i. The projected water demands of the data center;
        ii. The source of water to be used;
        iii. A description of how water will be used, including the amount or proportion of water to be used for each purpose;
        iv. The long-term safe yield of the water source;
        v. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
        vi. A geologic map of the area with a radius of at least one mile from the site;
        vii. The location of all existing and proposed wells within 1,000 feet of the property boundary, with a notation of the capacity of all high-yield wells;
        viii. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 1,000 feet of the property boundary;

ix. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table; and

x. A statement of the qualifications and the signature of the person preparing the study.

2. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the City and Missouri Department of Natural Resources.

E. **Energy Consumption.**

1. The Data Center shall minimize the impact on energy consumption and the electric grid. The applicant shall demonstrate through an energy consumption and electric grid impact study that it meets the requirements of this section.
   a. If the applicant proposes to connect the data center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available and that the electric service provider will serve the data center. Known impacts on electric rates or availability for other uses directly attributable to the data center project shall be noted.
   b. Any energy generation system designed or used to supply power directly to a data center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the data center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

F. **Transportation.**

1. The Data Center shall minimize the impact on the City's infrastructure. The applicant shall demonstrate through a transportation impact study that the data center will not create a higher-than-average burden on the infrastructure. If the study shows that the current infrastructure is insufficient then the applicant will submit plans for the required transportation infrastructure improvements.

G. **Parking For Data Center.**

1. Parking for Data Center or Colocation Facilities will be governed by the provisions of Chapter 405 Article IX "Off Street Parking and Loading Requirements".

H. **Signage for Data Center.**

1. Signage for Data Center or Colocation Facilities will be governed by the provisions of Chapter 405 Article V "Signs".

I. Sustained compliance with the established requirements of the Special Use Permit will be continuously enforced by the City of Osage Beach while each approved facility maintains operation. All other applicable regulations not specifically addressed in this section will be governed by the provisions of the zoning district in which the facility is proposed to be located.

Section 405.589: Enforcement and Approval

A. Applicants wishing to locate a Data Center within the city limits of Osage Beach shall submit a complete site plan illustrating that all requirements set forth in this chapter will be met by the proposed facility.

B. The City of Osage Beach reserves the right to hire independent professionals that specialize in the disciplines needed to review the studies, plans, and other information required by this section. If the City deems it necessary to hire an independent professional, the applicant shall submit a deposit of 125% of the review estimate that will be used to pay for the professionals' services.

C. Any expansion of an approved Data Center shall require review and approval of an amended Special Use Permit prior to construction.

D. Decommissioning Plan: All proposed Data Center Facilities shall provide plans, including an engineer's estimate for the cost of removal of the facility if it is decommissioned or operations of the facility, as approved, ceases. A performance bond for 125% of the engineer's estimate must be submitted prior to any Site Development or Building Permits for the facility being issued by the City of Osage Beach or other service providing agencies.

E. Additional requirements may be established for each request for a Data Center by the Planning Commission or Board of Aldermen, depending on location or situation, during the Special Use Permit review and approval process.

F. The Board of Aldermen may deny a request for a Special Use Permit under this section if substantial evidence demonstrates that the proposed facility would adversely affect public health, safety, welfare, infrastructure capacity, utility service reliability, environmental resources, or adjacent property values.

Section 2. Severability

The chapter, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified, shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine, or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be

affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or previsions had continued in force, unless it hall be therein otherwise expressly provided.

Section 4. The Mayor of the City of Osage Beach is hereby authorized to take all actions which may be necessary to fully enact this Ordinance.

Section 5. That this Ordinance shall be in full force and effect on August 21, 2026.

READ FIRST TIME: August 6, 2026 READ SECOND TIME: August 20, 2026

I hereby certify that the above Ordinance No. 26.78 was duly passed on August 20, 2026, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

Aug. 20, 26

Date

Tara Berreth, City Clerk

Approved as to form:

Interim City Attorney

I hereby approve Ordinance No. 26.78.

Richard Ross, Mayor

Aug. 20, 26

Date

ATTEST:

Tara Berreth, City Clerk