

**AMENDMENTS TO COUNCIL BILL 26-0158
(1st Reader Copy)**

By: Land Use and Transportation Committee
{To be offered on the Council floor}

Amendment No. 1

On page 1, in line 8, strike “and 1-312(o)” and substitute “1-310(O), 1-312(O), and 14-338(A)(9)”; and, strike beginning with line 26 on page 2 down through and including line 3 on page 3; and, on page 4, after line 15, insert:

“§ 1-310. “Motor vehicle” to “Owner”.

(o) Office.

(1) In general.

“Office” means an establishment that engages in the processing, manipulation, or application of business information or professional expertise, whether or not it offers services to the public.

(2) Exclusions.

“Office” does not [include] INCLUDE:

(1) A FACILITY FOR fabricating, assembling, repairing, or warehousing physical products for the retail or wholesale [market.] MARKET; OR

(2) A DATA CENTER.”;

and, on page 5, after line 1, insert:

“Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-338. Telecommunications facilities.

(a) Definitions.

(9) Telecommunications facility.

(I) IN GENERAL.

“Telecommunications facility” means any structure that falls within the definition of “base station” or “tower”.

(II) EXCLUSION.

“TELECOMMUNICATIONS FACILITY” DOES NOT INCLUDE A DATA CENTER.”.

Amendment No. 2

On page 3, in line 8, strike “FOR” and substitute “PRIMARILY FOR THE”.

Amendment No. 3

On page 5, after line 1, insert:

“SECTION 3. AND BE IT FURTHER ORDAINED, That:

(a) The Department of Planning shall conduct a comprehensive data center impact study and produce a report to the Mayor, City Council, and Planning Commission.

(b) The Department of Planning shall collaborate with the following agencies to conduct the study and produce the report:

(1) the Department of Public Works;

(2) the Department of Housing and Community Development;

(3) the Commission on Sustainability;

(4) the Department of Finance;

(5) the Office of Equity and Civil Rights;

(6) the Baltimore City Health Department; and

(7) the Baltimore Development Corporation.

(c) The study and report shall include:

(1) an assessment of the impact data centers would have on Baltimore's energy infrastructure and ratepayers, including:

(i) ways the City could mitigate the impact of data center energy consumption on ratepayers; and

(ii) the feasibility and enforceability of energy self-supply and power purchase agreement-based energy models;

(2) an analysis of the impact a data center would have on Baltimore's economy and workforce, including:

(i) the net fiscal impact a data center would have on Baltimore, accounting for State sales tax exemptions and offsetting property tax and energy tax revenues;

(ii) the potential for short and long-term job creation;

(iii) a comparison of data center fiscal returns relative to alternative uses of target industrial and commercial sites; and

(iv) a review of community benefit agreement structures used in comparable jurisdictions;

(3) an analysis of the environmental health impact a data center would have on Baltimore, including:

(i) water consumption modeling for potential data center development in Baltimore City;

(ii) air quality implications of potential diesel backup generator use; and

(iii) noise and land compatibility standards for data center placement, relative to residential neighborhoods and environmental justice communities; and

(4) feedback from community engagement with targeted outreach to stakeholders who include:

(i) community associations;

(ii) environmental justice organizations;

(iii) labor unions; and

(iv) small business owners.

(d) The report shall make the following recommendations:

(1) how to define the term “data center” and a list of criteria used to identify a use as a data center; and

(2) conditional use standards that Baltimore City should establish for data centers.

(e) The report shall be submitted to the Mayor, City Council, and Planning Commission no later than 9 months after the enactment of this Ordinance.

Amendment No. 4

On page 1, in line 5, strike “of certain provisions of this Ordinance.” and substitute “of this Ordinance after a certain period.”; On page 5, after line 1, insert:

“SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance shall remain in effect for a period of 1 year following the effective date, at which time and with no further action required by the City Council, this Ordinance shall be abrogated and of no further force and effect.”

Amendment No. 5

On page 5, strike in their entirety lines 2 through 5, inclusive, and substitute:

“SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect 30 days after it is enacted.”