

**AMENDMENTS TO COUNCIL BILL 26-0158  
(1<sup>st</sup> Reader Copy)**

By: President Cohen

{To be offered to the Land Use and Transportation Committee}

**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.”