BILL NO. ORDINANCE NO. ___

City of Branson West

AN ORDINANCE AMENDING CHAPTER 400 – ZONING REGULATIONS OF THE CODE OF THE CITY OF BRANSON WEST, MISSOURI TO REGULATE DATA CENTERS, INCLUDING BUT NOT LIMITED TO ZONING DISTRICTS, NOISE REGULATIONS, AND CONDITIONAL USE REQUIREMENTS FOR DATA CENTERS, DATA MINING AND SIMILAR INDUSTRIES.

WHEREAS, the City of Branson West, Missouri (City) adopted Zoning Ordinances as authorized by Chapter 89 of the Revised Statutes of Missouri, now existing in Chapter 400 of the Revised Code of Ordinances of Branson West City Code (Code) referred to as the City of Branson West Zoning Regulations to promote health, safety, morals, and a general welfare of the community, including its aesthetic appearance; lessen congestion in the streets; secure safety from fires, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; bring about the gradual conformity of the uses of land and buildings throughout the City; facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; protect and conserve the value of land throughout the City; and provide a policy to efficiently process permits and other applications by the City

WHEREAS, understanding the challenges of noisy vibration and other aesthetic public nuisances, the Board of Aldermen finds it necessary and reasonable to adopt regulations to address common nuisances with data centers; and

WHEREAS, the Board of Aldermen have identified a need to update City Ordinances to regulate the construction and operation of data centers to promote public safety and encourage the most appropriate use of the land and protect against unhealthy conditions, decreased visibility, and to ensure substantial justice in the quiet enjoyment of homes, businesses, and premises with a reasonable expectation of public services, roads/sidewalks, and utilities, located within the City; and

WHEREAS, the Planning and Zoning Commission of the City of Branson West held a public hearing on at _____, on _____, 2026 following proper public notice, to consider the proposed amendments to Chapter 405; and

WHEREAS, notice of public hearing was given by publication on _____, 2026 at least fifteen (15) days prior to the public hearing before the Planning and Zoning Commission.

WHEREAS, following said hearing, the Planning and Zoning Commission recommended [Approval/Disapproval] of the amendments to the Board of Aldermen; and

WHEREAS, a public hearing was held by the Board of Aldermen at _____ on _____, 2026; and

WHEREAS, notice of public hearing was given by publication on _____, 2026 at least fifteen (15) days prior to the public hearing before the Board of Aldermen.

WHEREAS, the Board of Aldermen has determined that the proposed updates to the Chapter 400 are consistent with the City's Comprehensive Plan and are reasonable and necessary for the purpose of promotion the health, safety, morals, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON WEST, MISSOURI, AS FOLLOWS:

Section 1. It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Revised Code of Ordinances of Branson West, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2. That Section 400.090 – Definitions is amended, in part, to include the following definitions**:**

DATA CENTER
Means a facility whose primary service is data processing or data storage, and is used to house computer systems and associated components, such as central processing units, graphical processing units, neural networks, quantum bits, quantum processors, memory, data routing, data storage, server farm, bitcoin mining, crypto processing, virtual private networks, virtual servers, artificial intelligence training or processing, image processing, cloud computing, email servicing, a telecom hotel, telehouse co-location, or any other term applicable to facilities which are used for such purposes shall be deemed to be a 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.

CRYPTOCURRENCY
Digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.

CRYPTOCURRENCY DATA CENTER

A leased or owned boundaries of floor space devoted to the operating data processing equipment for Commercial Cryptocurrency Mining; excludes spaces for commercial offices, storage, shipping and receiving, warehousing, or any other space that is not electronic processing.

COMMERCIAL CRYPTOCURRENCY MINING
The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms or data centers employing data processing equipment. Any equipment requiring a High-Density Load Service, for a server farm or data center, will constitute a commercial cryptocurrency mining operation.

CRYPTOCURRENCY SERVER FARM
Three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

MANUFACTURED ENGINEERED NON-RESIDENTIAL UNIT (MENU)
An engineered structure, non-residential in use designed for data centers, cryptocurrency data centers, commercial cryptocurrency mining centers, and/or a cryptocurrency server farm.

DECIBEL (DB)
A decibel (dB) is ten (10) times the common logarithm of the ratio of two power terms expressed in the same units of power.

FOOTCANDLE
Measurement of light intensity measured as a one-foot square with one lumen of light.

SOUND PRESSURE LEVEL (SPL)
The sound pressure levels stated in dB units referenced to 20 micropascals, with a C frequency weighting and a 10 mS response with peak detection per ANSI S1.4-2014.

NOISE
Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE
Any sound which: (a.) Endangers or injures the safety or health of humans or animals; or (b.) Annoys or disturbs a reasonable person of normal sensitivities; or (c.) Endangers or injures persons or real property.

Section 3. That Section 400.310 – "A-1" Agricultural District, Subsection B. Conditional Uses is amended, in part, to read as follows**:**

B. *Conditional Uses*. The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Article VI, Section 400.490.

2. Cemeteries, adjacent to or in extension of existing cemeteries, provided that any new cemetery shall be located on a tract of not less than ten (10) acres.

3. Group day care homes.

4. Data centers in accordance with Article VI, Section 400.495.

Section 4. That Section 400.370 – "C-2" General Commercial District, Subsection B. Conditional Uses is amended, in part, to read as follows**:**

B. *Conditional Uses*. The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Substance abuse treatment facilities.

2. Rescue missions, overnight shelters, halfway houses.

3. Recreational vehicle parks.

4. Zoo, private.

5. Data centers in accordance with Article VI, Section 400.495.

Section 5. That Section 400.380 – "I-1" Light Industrial District, Subsection B. Conditional Uses is amended, in part, to read as follows**:**

B. *Conditional Uses*. The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Motor freight terminals.

2. Lumber production yards.

3. Data centers in accordance with Article VI, Section 400.495.

Section 6. That Section 400.390 – "I-2" Heavy Industrial District, Subsection B. Conditional Uses is amended, in part, to read as follows**:**

B. *Conditional Uses*. The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Accessory residential structure for a resident watchman and/or caretakers employed on the premises.

2. Explosives manufacture or storage. All explosives manufacture or storage shall be subject to the minimum requirements and regulations of the Bureau of Alcohol, Tobacco and Firearms Publication ATFP 5400.7 (6/1990) or any subsequent amendments.

3. Scrap and salvage yards, automobile wrecking yards, provided that no such use shall be located within five hundred (500) feet of any residence district.

4. Refining of petroleum or its product.

5. Acid manufacture, provided that no such facility shall be located within five hundred (500) feet of any residence district.

6. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.

7. Type V wireless facilities in accordance with Article VI, Section 400.490.

8. Towers other than wireless facilities, exceeding one hundred (100) feet height, and related facilities in accordance with Article VI, Section 400.490.

9. Data centers in accordance with Article VI, Section 400.495.

Section 7 Article VI – Supplemental Use Standards of Chapter 400 is amended to add Section 400.495. Data Centers, to read as follows:

Section 400.495 Data Center Regulation

A. Data centers shall be permitted, with a conditional use permit authorized by the Board of Aldermen pursuant to Section 400.230 of this Code, in the Agricultural (A-1), General Commercial (C-2), Light Industrial (I-1), and Heavy Industrial (I-2) zoning districts, or as further determined through a Planned Development (PD) approval. Modification of the conditions set out below may be specified as part of the approval of a conditional use permit, if noted on the application and required notification, when it is determined that the data center can be accommodated in a modified manner without adverse impacts on adjacent properties and that such data center will still meet the general intent of the limitations.

B. All data centers shall comply with the following conditions:

1. Site Requirements

(i) Primary Structure: A primary structure shall be required prior to the installation of a MENU. A primary structure excludes structures such as storage sheds, non-occupied secondary or accessory structures, and MENUs.

(ii) Buffering: A minimum setback of 50 feet shall be required from all subject property lines, unless adjacent to a residential use or district, where a 1,000 foot setback shall be required, measured from the subject property lines to the adjacent property line in question.

(iii) Lighting: A photometric diagram showing predicted maintained lighting levels produced by the proposed lighting fixtures shall be required. The maximum maintained vertical footcandle at an adjoining property line shall be 0.5 footcandles, measured at three feet above the grade.

(iv) Manufactured Engineered Non-Residential Unit (MENU). MENUs shall be screened from view by a combination of landscaping, opaque fencing, and or a decorative opaque wall that is integrated into the architecture of the structure. The fence or wall shall be of a height equal to, or greater than the height of the MENU being screened. Chain link fencing is not permitted as a screening method. On a case by case basis, a line-of-sight analysis can be submitted to assess the visual impact of the MENU on the surrounding environment. The line-of-sight analysis can consider, but not be limited to: terrain, obstructions, vegetation, buildings, and other objects.

(v) All utility lines serving the site and located on the subject property, shall be contained underground.

(vi) All data centers shall be contained within a primary structure or a MENU.

(vii) All parking areas, drive aisles, service areas, storage, and loading docks shall be constructed of a hard surface (i.e asphalt/concrete), conforming to the Revised Code of Ordinances of Branson West, Missouri.

2. Sound/Noise Requirements

(i) On site monitoring of sound: The permit holder shall provide to the city, prior to the issuance of a certificate of occupancy or completion, an affidavit that includes the following information:

a. Name and qualifications of the person who measured the decibel levels, requiring a supervised and wet stamped report by a qualified Missouri licensed Professional Engineer.

b. Equipment used. List all test results; equipment; equipment serial numbers; equipment settings; copies of NIST traceable calibration certificates; drawings and pictures of the test setup including pertinent distance measurements; and weather conditions during the tests including wind speed, temperature and relative humidity.

c. Location of the noise measurements depicted on a scaled site plan. The points of measurement shall be at all property lines and generally at the points on those property lines most susceptible to noise from the applicable equipment.

d. Sound pressure levels (SPL) measured in dBC at each property line.

e. Time and duration of measurements.

f. A statement attesting to the accuracy of the information provided and a guarantee that the permit holder will not run their equipment at a greater sound pressure level or noisier state than when the measurements were made, to include generators.

ii. The city reserves the right to require independent verification of noise measurements and/or to request additional measurements at different point on the property. All measurements must comply with the noise levels established in this Subsection.

iii. Generators:

a. Testing of generators is prohibited between the hours of 11 p.m. and 7 a.m.

b. If generators are located outside of an enclosed building a screening wall shall be required.

c. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

iv. The SPL attributable to infrastructure of the data center property shall not exceed 65 dBC as measured at any data processing facility property line. For facilities with a property line within 500 feet of any allowed residential use or district, the SPL attributable to the facility shall not exceed 55 dBC at any data center property line.

v. It shall be unlawful for a data center to make, continue, or allow to make any noise that exceeds the maximum limits as provide in this Subsection. Failure to maintain compliance with the approved noise limits shall

constitute grounds for suspension or revocation for the conditional use permit.

3. Utilities and Resources conditions:

i. Confirmation of utility agreement: Prior to approval of a conditional use permit, the applicant shall provide written verification from the utility provider stating the following:

a. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity availability to serve the other needs of the planning area is consistent with the normal projected load growth envisioned by the utility.

b. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.

c. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises.

d. An agreement that if a power outage or shortage occurs, the data center will be secondary to all other uses within the City of Branson West or surrounding properties.

(ii) Confirmation of water availability: If water is used for cooling, the source and adequacy of the supply shall be provided. Cooling systems shall comply with the following requirements:

a. All cooling systems shall be either fully air-cooled or high efficiency liquid cooled systems, or equivalent technologies designed to minimize water consumption and wastewater discharge. Open-loop and once-through cooling systems are prohibited. Evaporative-only cooling systems that consume potable water are prohibited. Evaporative Cooling means a highly water-intensive process that uses water evaporation to cool air for the facility's temperature regulation.

b. All cooling water discharged into the sanitary sewer shall comply with the Municipal Code of the City of Branson West, Missouri, Section 710.050 Use of the Public Sewers. Chemically treated cooling water shall not be discharged to surface waters or stormwater systems.

(iii) Changes in resources: If a change in resource occurs, a new conditional use permit shall be required for re-evaluation.

(iv) All requirements relating to noise and noise disturbance shall be considered for data centers.

Section 8. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 9. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 10. That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

Section 11. That all other parts and provisions of the City Code not in conflict herewith shall remain in full force and effect unless previously or subsequently amended or repealed.

Read this first time on this _____day of _____, 2026

Read this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson West, on this _____ day of _____, 2026.

(Seal)

_____
Mayor

Attest:

_____
City Clerk

DATE APPROVED: _____, 2026.

Drafter's Note: Deleted text is shown ~~thus~~. Inserted text is shown **thus**.