

**City Planning Commission**  
**Staff Report**  
**Tuesday, April 28, 2026**

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**Zoning Docket 037-26**

**Prepared by:** Ava Monnet

**Date:** May 5, 2026

**Deadline for CPC action:** May 23, 2026

**CC Deadline:** 60 Days from Receipt

**City Council District:** All

**Applicant:** City Council Motion No. M-26-63

**Request:** This is a request by City Council Motion No. M-26-63 for a text amendment to **Article 19** of the Comprehensive Zoning Ordinance to create a new Interim Zoning District (IZD) to be named the *Data Center Interim Zoning District*, for the purpose of prohibiting issuance of an occupational license or otherwise permit the operation of data centers citywide.

**Property Description:** The proposed text amendment would apply citywide.

**Description**

The City Council recently requested that the City Planning Commission create a set of regulations defining and creating permissions for data centers. While that work is being conducted, the Council has additionally requested this IZD to temporarily ban all data centers citywide. This includes data centers, server farms, crypto-currency mining facilities, and other facilities designed or used primarily to house information technology infrastructure and equipment for the storage, management, processing, and transmission of digital data.

**Reason for Commission Review**

The City Planning Commission is required to make a recommendation on all amendments to the text of the Comprehensive Zoning Ordinance prior to City Council action, in accordance with **Article 4, Section 4.2.D.3, Action by City Planning Commission** of the Comprehensive Zoning Ordinance.

**Analysis**

**Reason for text amendment**

This text amendment is a companion to Zoning Docket 036/26, in which the Council’s requested CPC staff consider regulating “data centers” as a land use. These recommendations will include establishing definitions, density requirements, use restrictions and limitations on the zoning districts in which data centers can be located. The City Planning and City Council’s consideration of those potential new regulations will take several months. In the interim, the Council proposed the Data Center IZD to ban the approval of data centers city wide. If approved, the IZD would be in place for one year and could be extended another year, to be in effect for up to two years in total.

## Existing Regulations and Changes Proposed by Applicant

### *Existing regulations*

Currently, the CZO does not define or have any regulations related to data centers, server farms, crypto-currency mining facilities, or any other facilities designed or used primarily to house information technology infrastructure and equipment for the storage, management, processing, and transmission of digital data.

### *Regulations proposed by the Council motion*

The Council motion proposes a new Interim Zoning District to temporarily ban the approval of data centers. Suggested language for the *Data Center Interim Zoning District* is provided below. The proposed text additions are indicated by **underlined and bolded** text.

## ARTICLE 19 TEMPORARY PROHIBITIONS

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### **19.4.A.23 – Data Center Interim Zoning District**

#### **A. Intent of the District**

**The IZD is intended to temporarily ban the approval of “Data Center” uses, which includes data centers, server farms, crypto-currency mining facilities, or any other facilities designed or used primarily to house information technology infrastructure and equipment for the storage, management, processing, and transmission of digital data.**

#### **B. Boundaries**

**The Interim Zoning District applies citywide.**

#### **C. Prohibited Uses**

**The issuance of permits or occupational licenses for Data Centers is prohibited citywide. Data Centers are defined as follows:**

**Data Center. A physical room, building, facility, or group of facilities designed and used primarily for the housing, operation, and maintenance of computer servers, network infrastructure, or data storage systems, and associated mechanical, electrical, and cooling equipment, for the purpose of processing, storing, managing, transmitting, or distributing digital data. The term includes colocation data centers, retail data centers, enterprise data centers, cloud computing data centers, hyperscale data centers, data mining facilities or other similarly functioning facility, but does not include server rooms or telecommunications equipment rooms accessory to a primary non-data-center use and occupying less than 2,000 square feet.**

#### **D. Appeals**

**Applications to appeal this IZD shall be submitted to the Executive Director of the City Planning Commission. Every application for appeal shall be made on forms provided by the City and shall be**

accompanied by the payment of a filing fee in the amount of \$1,000.00 and the data required in such form. The Executive Director may request for the applicant to provide such additional information and data as may be required to fully advise the Council, whether such information and data is called for by the official form or not. CPC shall review the appeal and make recommendations relative to the appeal within sixty (60) days of receipt using the following standards:

1. Is requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will the requested appeal increase community environmental or quality-of-life impacts?
4. Does the requested appeal provide appropriate health safeguards for neighboring or nearby properties, including but not limited to soundproofing measures and other safety best practices?
5. In consultation with utility experts, including but not limited to the Council Utilities Regulatory Office, does the requested appeal unduly tax the City's utility systems, including but not limited to the electrical grid?
6. Does the appellant have reasonable investment-backed expectations in the use of the property as prohibited by the IZD?

The Council shall have 60 days from the receipt of the Executive Director's recommendation to act by motion directing the drafting of an ordinance to grant the appeal (with or without modifications) or to deny the appeal. If the Council fails to act within 60 days from the receipt of the recommendation, the appeal shall be deemed to be denied.

#### Evaluation of approval standards

The City Planning Commission recommendation and the City Council decision on any zoning text amendment are matters of legislative discretion. In making their recommendation and decision, the City Planning Commission and the City Council are required to consider the standards in **Table 4-1: Standards for Zoning Amendments** of the Comprehensive Zoning Ordinance. In this section, the staff evaluates the application using those standards.

#### ***The proposed amendment is compatible with the Master Plan and Future Land Use Map.***

This standard is met. The proposal would impact numerous zoning districts across the entire city. The Home Rule Charter of the City of New Orleans requires all land use actions to be consistent with The Plan for the 21<sup>st</sup> Century, commonly known as the Master Plan. A land use action is considered consistent if it furthers, or at least does not interfere with the goals, policies, and strategies that are contained in the land use chapter of the Master Plan.

The proposed *Data Center Interim Zoning District* bars a land use that is not contemplated by the zoning ordinance. It does not alter the underlying zoning districts or the underlying Future Land Use Map designations. The temporary change will allow time for staff to not only define terms related to a new use category, but to establish use standards and which zoning districts would be appropriate for the uses. The IZD does not interfere with the goals of the master plan in allowing time for consideration of all future data center uses citywide.

#### ***The proposed amendment is compatible with the place designations of this Ordinance.***

This standard is met. The proposed IZD would not alter any of the affected place designations.

***The proposed amendment promotes the public health, safety and welfare of the City.***

This standard is met. The purpose of this IZD is to ban approvals for data centers. The motion specifically states that data centers pose unique and significant implications for the health, safety and welfare for New Orleans, its citizens, and its neighborhoods. The IZD would provide time for the development of a regulatory scheme for data centers that would assess those implications.

***The proposed amendment is compatible with the intent and general regulations of this Ordinance.***

This standard is met. The proposed amendment is consistent with the purpose of Article 19, *Temporary Prohibitions*, in the Comprehensive Zoning Ordinance where Interim Zoning District regulations are located. Specifically, it states:

“These temporary prohibitions are intended to provide temporary zoning regulations within the boundaries of designated areas, notwithstanding existing zoning applicable to the area, pending a review of the appropriateness of applicable provisions of the zoning ordinance or development of new regulations by the City Planning Commission, and are intended to prevent the establishment of uses that are incompatible with the temporary prohibition for the legal duration of the prohibition.”

The proposed IZD is consistent with the statement above and is therefore compatible with the intent and general regulations of this Ordinance.

***The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.***

The proposal addresses a change in policy. The IZD is the only land-use tool that the City Council can implement immediately; it is effectively a placeholder until new regulations can be implemented.

***The proposed amendment benefits the citizens of the City as a whole.***

This standard is met. The Council proposed this IZD as a mechanism to ensure that the ramifications of data centers are explored and understood. This temporary change will benefit the City as a whole.

***The proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Master Plan.***

This standard is met. The proposed IZD is consistent with Article 19, Section 19.1 of the CZO and would enact a temporary ban on a use category that does not currently exist. The change will be in effect temporarily while a study is conducted and new regulations are adopted.

***The proposed amendment does not create a significant number of nonconformities.***

The standard is met. The overlay district would not create non-conformities as the data centers are already banned because they are not contemplated by the zoning ordinance.

## City Planning Commission (March 24, 2026)

The request was heard at the CPC meeting on March 24, 2026. Staff summarized the application and presented the recommendation of 30-day deferral to allow more time to consider this request along with the tandem request for a text amendment ZD036-26. There were members of the public that spoke in opposition to the request. One member of the public asked to speak without providing a street address. Commissioner Poche made a motion to accept the public comment without requiring the speaker provide a street address. The motion was seconded by Commissioner Kepper but the motion failed.

MOTION #1:

BE IT MOVED THAT THE CITY PLANNING COMMISSION ACCEPT PUBLIC COMMENT FOR ZD037/26 WITHOUT REQUIRING A STREET ADDRESS.

YEAS: Kepper

NAYS: Jordan, Flick, Joshi-Gupta, Poché, Witry,

ABSENT: Steeg, Stewart

The member of the public continued with the comment by providing her street address. Other members of the public spoke in opposition. Commissioner Flick made a motion for 30-day deferral, seconded by Commissioner Poché, and the motion passed unanimously.

MOTION #2:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 037/26 IS HEREBY DEFERRED TO THE APRIL 28, 2026, CITY PLANNING COMMISSION MEETING.

YEAS: Jordan, Flick, Joshi-Gupta, Kepper, Poché, Witry

NAYS: None

ABSENT: Steeg, Stewart

## Staff Recommendation

Staff recommend **APPROVAL** of Zoning Docket 037/26. The proposed text additions are indicated by bold, underlined text below.

### **19.4.A.23 – Data Center Interim Zoning District**

#### **A. Intent of the District**

**The IZD is intended to temporarily ban the approval of “Data Center” uses, which includes data centers, server farms, crypto-currency mining facilities, or any other facilities designed or used primarily to house information technology infrastructure and equipment for the storage, management, processing, and transmission of digital data.**

## B. Boundaries

The Interim Zoning District applies citywide.

## C. Prohibited Uses

The issuance of permits or occupational licenses for Data Centers is prohibited citywide. Data Centers are defined as follows:

Data Center. A physical room, building, facility, or group of facilities designed and used primarily for the housing, operation, and maintenance of computer servers, network infrastructure, or data storage systems, and associated mechanical, electrical, and cooling equipment, for the purpose of processing, storing, managing, transmitting, or distributing digital data. The term includes colocation data centers, retail data centers, enterprise data centers, cloud computing data centers, hyperscale data centers, data mining facilities or other similarly functioning facility, but does not include server rooms or telecommunications equipment rooms accessory to a primary non-data-center use and occupying less than 2,000 square feet.

## D. Appeals

Applications to appeal this IZD shall be submitted to the Executive Director of the City Planning Commission. Every application for appeal shall be made on forms provided by the City and shall be accompanied by the payment of a filing fee in the amount of \$1,000.00 and the data required in such form. The Executive Director may request for the applicant to provide such additional information and data as may be required to fully advise the Council, whether such information and data is called for by the official form or not. CPC shall review the appeal and make recommendations relative to the appeal within sixty (60) days of receipt using the following standards:

1. Is requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will the requested appeal increase community environmental or quality-of-life impacts?
4. Does the requested appeal provide appropriate health safeguards for neighboring or nearby properties, including but not limited to soundproofing measures and other safety best practices?
5. In consultation with utility experts, including but not limited to the Council Utilities Regulatory Office, does the requested appeal unduly tax the City's utility systems, including but not limited to the electrical grid?
6. Does the appellant have reasonable investment-backed expectations in the use of the property as prohibited by the IZD?

The Council shall have 60 days from the receipt of the Executive Director's recommendation to act by motion directing the drafting of an ordinance to grant the appeal (with or without modifications) or to deny the appeal. If the Council fails to act within 60 days from the receipt of the recommendation, the appeal shall be deemed to be denied.

## **CITY PLANNING COMMISSION MEETING (April 28, 2026)**

The request was reheard at the CPC meeting on April 28, 2026. Staff summarized the application and presented the recommendation for approval. There were members of the public that spoke in opposition to the request or to give their opinion on data centers in general. Commissioner Jordan wanted it noted on the record the importance of defining what is limited and also to thank the community for their input and the council as well. Commissioner Jordan made a motion to accept the public comment without requiring the speaker provide a street address. The motion was seconded by Commissioner Hebert and passed unanimously.

### **MOTION:**

**BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 037/26 IS HEREBY RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.**

**YEAS: Steeg, Jordan, Witry, Poche, Hebert, Joshi-Gupta, Jackson,**

**NAYS: N/A**

**ABSENT: Flick, Kepper**

**MOTION**

**NO. M-26-63**

**CITY HALL: January 28, 2026**

**BY: COUNCILMEMBERS MORRELL AND HUGHES (BY REQUEST)**

**WHEREAS**, data centers, server farms, crypto-currency mining facilities, and other facilities designed or used primarily to house information technology infrastructure and equipment for the storage, management, processing, and transmission of digital data (collectively “Data Centers”) are not included in the existing use classifications within the Comprehensive Zoning Ordinance (“CZO”); and

**WHEREAS**, the development of Data Centers in the City poses unique and significant implications for the health, safety, and welfare of New Orleans, its citizens, and its neighborhoods, including concerns over electrical grid capacity and reliability, noise concerns from generators and cooling equipment, air quality, development density, limited street activation, and compatibility with surrounding uses; and

**WHEREAS**, the Council, in a companion Motion, is directing the City Planning Commission to study Data Centers and to make recommendations regarding text amendments to the CZO to address Data Centers, including without limitation through clear definitions, density requirements, use restrictions, and limitations on the zoning districts in which Data Centers may be located; and

**WHEREAS**, because of the delays associated with the zoning process, Section 3-126 of the Home Rule Charter authorizes the Council to impose an interim zoning district or other temporary prohibition on zoning, permitting, and other similar functions where necessary to protect the public health, safety, or welfare for a period of up to one year, subject to one 180-day extension; and

**WHEREAS**, despite the fact that Data Centers are not a permitted use within the CZO, and are therefore prohibited citywide, the Mayor and the City Council believe that implementing an interim zoning district out of an abundance of caution ensures that the residents of the City are adequately protected from the harms which are posed by these uses; and

**WHEREAS**, this temporary prohibition does not prohibit technological progress or investment but rather ensures that development of such uses appropriately protects the health, safety and welfare of the New Orleanians, and, to the extent it is appropriate, occurs in a planned and environmentally sustainable manner that protects the long-term interests of the residents of the City of New Orleans; and

**WHEREAS**, the Council finds that the imposition of an interim zoning district prohibiting Data Centers citywide is necessary to prevent the proliferation of said facilities while the zoning review mandated by this instrument is conducted; **NOW, THEREFORE**

**BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**, That the City Planning Commission is directed to conduct a public hearing and make recommendations regarding whether to amend Article 19 of the CZO to establish a new Interim Zoning District, to be named the *Data Center Interim Zoning District* (“IZD”), for the purpose of prohibiting the issuance of any occupational licenses or otherwise permit the operation of Data Centers citywide for a period of one year from the date of adoption of this Motion, subject to extension as provided by Section 3-126 of the City Charter.

**BE IT FURTHER MOVED**, That in accordance with Article 19, Section 19.3.C.4 of the Comprehensive Zoning Ordinance, all appropriate agencies of the City, including but not limited to the Department of Safety and Permits, shall not approve any new applications for occupational licenses for businesses that meet the definition of Data Center, as set forth herein, or any other applications for permits or licenses or issue any permits or licenses that are in conflict

with the intent and provisions of this proposed IZD for any property within the city until such time as the proposed IZD is denied by the Council or the proposed IZD is approved and becomes legally effective.

**BE IT FURTHER MOVED,** That applications to appeal this IZD shall be submitted to the Executive Director of the City Planning Commission, every appeal shall be made on the forms provided by the City and shall be accompanied by payment of a filing fee of \$1,000.00 and the data required in such form. The Executive Director of the City Planning Commission may request for the appellant or applicant to provide such additional information and data as may be required to fully advise the Council, whether such information and data is called for by the official forms or not. CPC shall review the appeal and make recommendations relative to the appeal within sixty (60) days of receipt using the following review standards:

1. Is the requested appeal compatible with the surrounding land uses and structures?
2. Does the requested appeal provide for an efficient use of land?
3. Will the requested appeal increase community environmental or quality-of-life impacts?
4. Does the requested appeal provide appropriate health safeguards for neighboring or nearby properties, including but not limited to soundproofing measures and other safety best practices?
5. In consultation with utility experts, including but not limited to the Council Utilities Regulatory Office, does the requested appeal unduly tax the City's utility systems, including but not limited to the electrical grid?
6. Does the appellant have reasonable investment-backed expectations in the use of the property as prohibited by the IZD?

The Council shall have 60 days from receipt of recommendation to approve, deny, or modify the appeal by ordinance. If the Council fails to act within 60 days from receipt of the recommendation, the appeal shall be deemed to be denied.

**BE IT FURTHER MOVED,** That the requirement to conduct a Neighborhood Participation Program pursuant to Comprehensive Zoning Ordinance Section 4.2.D.1 is hereby waived due to the urgency presented in this matter and the robust participation process afforded by the companion text amendment to the Comprehensive Zoning Ordinance.

**BE IT FURTHER MOVED,** That in the process of reviewing this amendment, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the CZO to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

**THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:**

**YEAS: Green, Harris, Hughes, King, Willard - 5**

**NAYS: 0**

**ABSENT: McCarron, Morrell - 2**

**AND THE MOTION WAS ADOPTED.**

THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY

*Aisha Collier*

CLERK OF COUNCIL

City Planning Commission Speaker Card

Date: 3/24/26

I would like to speak regarding CPC Docket: 036/26 & 037/26

**IN OPPOSITION**

Name: Sheila Tahir

Address: Midcity, New Orleans

I am the applicant for this docket

I'd like to cede my time to: \_\_\_\_\_

I hereby affirm that the written or oral statements I give before the City Planning Commission will be true and correct. By ascribing my signature below, I acknowledge all information presented is of my own volition and true and correct to the best of my knowledge.

Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: Sheila Tahir

City Planning Commission Speaker Card

Date: 3/24/26

I would like to speak regarding CPC Docket: 9 037/26

**IN OPPOSITION**

Name: Y. Frank Southall

Address: 3111 Palmyra St

I am the applicant for this docket

I'd like to cede my time to: \_\_\_\_\_

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Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: \_\_\_\_\_

City Planning Commission Speaker Card

Date: 3-24-2026

I would like to speak regarding CPC Docket: 036 + 037

**IN OPPOSITION**

Name: Jonathan Anthony Roberts

Address: 4928 Chrysler St NOLA 70127

I am the applicant for this docket

I'd like to cede my time to: \_\_\_\_\_

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Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: JAR

City Planning Commission Speaker Card

Date: 03-24-24

I would like to speak regarding CPC Docket: 037/26

**IN OPPOSITION**

Name: TASHIA GASPARD

Address: VPT -

I am the applicant for this docket

I'd like to cede my time to: \_\_\_\_\_

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Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: \_\_\_\_\_

City Planning Commission Speaker Card

9

Date: 03/24

I would like to speak regarding CPC Docket: 037/26

**INFORMATION ONLY**

Name: Eian Bailey (ee-yun bailey)

Address: 2000 Lakeshore Drive, NOLA 70149

I am the applicant for this docket

I'd like to cede my time to: \_\_\_\_\_

I hereby affirm that the written or oral statements I give before the City Planning Commission will be true and correct. By ascribing my signature below, I acknowledge all information presented is of my own volition and true and correct to the best of my knowledge.

Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: E Bailey

GENERAL MATTERS & COMMITTEE SPEAKER CARD

(please print clearly)

Date: 3-24-2026

Presiding Officer:

I would like to speak regarding the following item...

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

9 Interim zoning on data center

Support

Oppose

Info. Only

Name: Annie Moran

Address: 1733 Duels St.

Representing: Self

Remarks: Make entire Parish Interim District

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance

GENERAL MATTERS & COMMITTEE SPEAKER CARD

(please print clearly)

Date: 03/24/26

Presiding Officer:

I would like to speak regarding the following item...

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

Zoning docket 037/26  
motion no. M-26-63

Support

Oppose

Info. Only

Name: Angelle Bradford Rozenberg

Address: 1822 Urquhart Street 70116

Representing: Sierra Club Delta Chapter

Remarks: ILP for all of Clearwater Parish

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance

GENERAL MATTERS & COMMITTEE SPEAKER CARD

(please print clearly)

Date: 3/24/26

Presiding Officer:

I would like to speak regarding the following item...

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

Support

Oppose

Info. Only

9 Zoning Docket

Name: Chris Lang

Address: 2508 Daphne St

Representing: Self

Remarks: pro moratorium on data centers

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance

GENERAL MATTERS & COMMITTEE SPEAKER CARD

(please print clearly)

Date: 03/24/26

Presiding Officer:

I would like to speak regarding the following item...

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

8, 9

Support

Oppose

Info. Only

Name: Osa Adun

Address: 9217 Apples Dr

Representing: \_\_\_\_\_

Remarks: When the zoning district is complete

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance

8+9/26

GENERAL MATTERS & COMMITTEE SPEAKER CARD

(please print clearly)

Date: 3/24/2026

Presiding Officer:

I would like to speak regarding the following item...

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

Support

Oppose

Info. Only

Agenda item # 8+9

Name: Gary Crockett

Address: 462 Lakeshore Parkway

Representing: Concerned Citizens of New Orleans

Remarks: Concerns of Data Center in population dense areas

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance



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## Recycling and data centers

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**From** David Burley <david.burley@selu.edu>

**Date** Tue 3/24/2026 12:56 PM

**To** CPCINFO <CPCINFO@nola.gov>

Please approve recycling and NO to data centers. It is difficult to attract new businesses and other industry when you only say yes to more dirty industry that pollutes and causes cancer.

Thank you

--

David Burley, Ph.D.  
Associate Professor of Environmental Sociology  
Southeastern Louisiana University  
SLU 10686  
Hammond, LA 70402  
985.549.5037 (office)  
985.549.5961 (fax)  
[david.burley@selu.edu](mailto:david.burley@selu.edu)

Peace,

It does not mean to be in a place  
where there is no noise, trouble or  
hard work.

It means to be in the midst of those  
things and still be calm in your  
heart.



Outlook

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## No to all data centers!

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**From** Anita Sanchez-Giles <anitasanchezgiles@icloud.com>

**Date** Tue 3/24/2026 1:27 PM

**To** CPCINFO <CPCINFO@nola.gov>

Please vote no to ANY and ALL DATA centers in the city of New Orleans!

And please keep our recycling programs in place.

Thank you

Anita Sanchez

409 S Solomon St

NOLA 70119



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## 2 new Data Centers in New Orleans

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**From** elizabeth stahel <elizabethstahel@yahoo.com>

**Date** Tue 3/24/2026 3:42 PM

**To** CPCINFO <CPCINFO@nola.gov>

Hello- I live in New Orleans and am adamantly opposed to having data centers created here.

Jobs are temporary.

They are incredibly expensive- especially in this heat- and will tax our already overtaxed electrical systems.

They say that it will cost consumers nothing extra- HA!

New Orleans is already drowning. We do not need to take on risky ventures.

The fraud in LA is so bad, that it is almost ensured that corners will be cut.....

Sincerely,

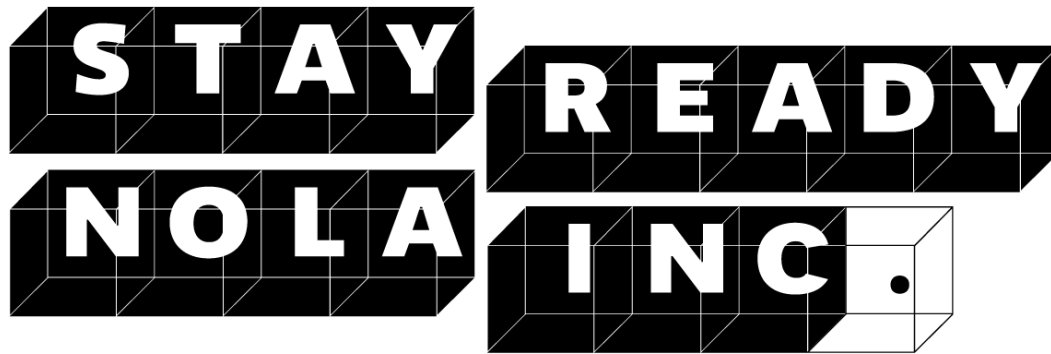
M Elizabeth Stahel  
1656 Joseph St., Apt F  
New Orleans, LA 70115

Cell- 504.231.4500

[Sent from Yahoo Mail for iPhone](#)

# A Siting and Regulatory Framework for Data Centers in New Orleans

*A White Paper Submitted to the New Orleans City Planning Commission  
In Response to Motions M-26-62 and M-26-63  
March 2026*



*Stay Ready NOLA, Inc. (“SRN”) is a New Orleans–based 501(c)(3) nonprofit organization focused on advancing community resilience, equitable infrastructure, and neighborhood revitalization in underserved areas. SRN is the recipient of a \$20 million award under the [U.S. Environmental Protection Agency](#) Community Change Grant program, supporting the development of a community solar facility in New Orleans East and a Community Resilience Hub in the Upper Ninth Ward. Through these projects, SRN’s mission is to strengthen local capacity to withstand and recover from environmental, economic, and infrastructure disruptions by investing in clean energy, resilient facilities, and community-serving assets that deliver long-term public benefit.*

## I. Executive Summary

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New Orleans is at a crossroads. The January 2026 proposal to build a large-scale data center in New Orleans East — adjacent to established residential neighborhoods, without adequate community engagement, and without the infrastructure context that responsible development requires — exposed a critical gap in the city’s regulatory framework. The city had no definition of data centers, no zoning district where they were expressly permitted or prohibited, and no standards by which their impacts could be measured or managed. The community’s response was swift and unanimous. The council’s response was appropriate: a temporary moratorium and a directive to the City Planning Commission to build a better regulatory framework.

This white paper proposes an intentional framework built around a fundamental commitment to the New Orleans neighborhoods and communities that deserve meaningful, participatory, measurable, and enforceable protection from incompatible development. It is equally built around the legal and planning realities that make a thoughtful regulatory structure more protective — not less — of those neighborhoods than an outright ban.

The framework proposed here is pro-neighborhood, pro-deliberation, and pro-local-control. Its central proposition is that the best protection for New Orleans communities is a set of objective, measurable, site-specific standards that development cannot circumvent, that community members can verify, and that the city can enforce. Tight regulation is stronger than no regulation.

### **Core position:**

1. The most effective way to maintain control over data centers is through regulation, not prohibition. Data centers should be severely restricted, with ironclad insistence on appropriate infrastructure-based siting, rigorous performance standards, and meaningful neighborhood participation. The city should direct data centers to locations where they belong — heavy industrial land, near existing utility infrastructure, on previously degraded or underutilized sites (think tire dumping grounds) — and subject every proposal to standards that either qualify it objectively or expose it to the full weight of community and council scrutiny.
2. Responsibility for determinations about electrical infrastructure adequacy and the costs of grid upgrades properly belongs to the Council’s utility regulatory process through CURO — not to the City Planning Commission or the Department of Safety and Permits, which lack both the technical expertise and the regulatory authority to make such determinations.

**Key recommendation:** Adopt a two-instrument regulatory framework.

**Table 1.** (See p. 17)

Establishes where data centers are permitted subject to performance and siting standards (P\*), where they require conditional use approval (C), and where they are prohibited.

**Table 2.** (See p. 19)

Establishes the performance and siting standards that data centers must meet.

**Outcome:** Neighborhoods are protected by enforceable standards that cannot be argued away on subjective grounds. The city retains local control rather than ceding it to state preemption or court-ordered settlement. The regulatory vacuum that invited the MS Solar Grid Data proposal is permanently closed.

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## II. Background: The Triggering Event and Lessons Learned

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### A. The MS Solar Grid Data Proposal and Its Failure

In early 2026, a company called MS Solar Grid Data — incorporated in 2024 with no public track record — proposed to build a data center on a 17-acre vacant lot near the intersection of Interstate 10 and Read Boulevard in New Orleans East. The site abutted established residential neighborhoods in an area that had been slowly rebuilding after Katrina. The company held a neighborhood meeting, as required before filing a formal zoning application, describing a “two-phase commercial technology data center.” Beyond that meeting, the company provided almost nothing: no formal application was filed with the City Planning Commission, no development plans were submitted, the phone number distributed to community members was out of service, and the company’s CEO was unreachable at the time of the council’s special hearing.

The community response was immediate and overwhelming. Residents packed public meetings. The East New Orleans Neighborhood Advisory Committee demanded answers the developer could not provide. Mayor Helena Moreno came out in public opposition. The City Council voted unanimously — 6-0 — to impose a temporary moratorium on data centers citywide and to direct the City Planning Commission to study and recommend permanent regulatory standards. Within hours of that vote, MS Solar Grid Data withdrew its zoning permit application.

The episode exposed something more fundamental than the bad behavior of a single developer. It revealed that the city’s Comprehensive Zoning Ordinance contained no definition of data centers at all. The same regulatory framework that would apply to a small enterprise co-location facility in an existing industrial building would, by default, also apply to a hyperscale AI training campus requiring hundreds of megawatts of new grid capacity and thousands of acres of land. The city had no tools with which to distinguish between them, no standards to

impose on either, and no pathway for the community to meaningfully evaluate either proposal. That definitional vacuum is what this proposed framework permanently closes.

## B. Sources of Opposition and What They Tell Us

The community's opposition to the MS Solar Grid Data proposal was grounded in three legitimate concerns, each of which points toward a specific element of the regulatory solution.

1. **Siting.** Read Boulevard is not an industrial corridor. It is a residential and commercial street in a neighborhood that has been working for decades to rebuild. Placing a heavy industrial use with significant power demand, noise generation, and visual impact adjacent to homes and businesses in that corridor is precisely the kind of incompatible development that zoning is designed to prevent. The correct regulatory response is not to prohibit data centers everywhere, but to require that they be sited where they belong: on industrially designated land, near existing utility infrastructure, and at a meaningful distance from residential neighborhoods.
2. **Community Input.** The company's failure to engage the community meaningfully — beyond the bare minimum required notification — violated the spirit of the city's neighborhood participation framework. New Orleans has a strong tradition of community involvement in land use decisions. That tradition is not procedural courtesy. It is how the city builds the trust that makes regulatory decisions durable. Any permanent data center framework must embed genuine, structured neighborhood participation, not as a box to check, but as a substantive voice in decisions that shape communities.
3. **Scale and Differentiation.** Where the siting concern is about location, the scale concern is about magnitude. A hyperscale AI training campus — hundreds of acres, dedicated substations, continuous industrial-level noise from cooling equipment, perimeter security infrastructure, and a physical footprint that transforms the surrounding landscape — is a fundamentally different use than a small enterprise co-location facility occupying a portion of an existing industrial building. Even on an appropriately sited industrial parcel, the difference in impact between a 5-megawatt facility and a 200-megawatt campus is enormous. The term 'data center' encompasses both, and the community's concern about what a large facility would look, sound, and feel like was entirely legitimate. That concern points toward the right regulatory response: scale-differentiated standards calibrated to actual impact, not a single category that treats incompatible uses identically.

**Key takeaway:** *the failure of the MS Solar Grid Data proposal was not attributable to the nature of the use. It was attributable to the location, the process, and the absence of any regulatory framework capable of distinguishing responsible from irresponsible data center development. The same use on an appropriate site, with genuine community engagement and enforceable performance standards, is an entirely different regulatory question.*

### **C. The Moratorium: What It Does and Does Not Accomplish**

On January 28, 2026, the New Orleans City Council passed two companion motions. Motion M-26-63 established a Data Center Interim Zoning District — a citywide moratorium — pausing the issuance of any occupational licenses or approvals for data centers for one year. Motion M-26-62 directed the City Planning Commission to study data center uses, consider amendments to the Comprehensive Zoning Ordinance to formally define and regulate them, and present recommendations to the full Council.

The moratorium accomplished its immediate purpose. It stopped the MS Solar Grid Data proposal and gave the city time to build a rational regulatory framework. But the moratorium is temporary. Under Article 19 of the CZO and Section 3-126 of the City Charter, an Interim Zoning District is approved for a term of one year, with a possible 180-day extension, and a possible second extension of another 180 days if the required review is not yet complete. After that, the IZD expires. If no permanent framework is in place when it does, the city returns to the same regulatory vacuum that invited the MS Solar Grid Data proposal in the first place.

## **III. The Role of Neighborhood Participation**

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New Orleans has a distinctive and hard-won tradition of neighborhood participation in land use decisions. That tradition is not incidental to the city's planning culture — it is central to it. The Neighborhood Participation Program embedded in the CZO reflects a deliberate policy judgment that community members are not merely stakeholders to be notified after decisions are made. They are participants in the decision itself, with knowledge of their neighborhoods, their concerns, and their aspirations that no developer and no planning staff can replicate.

The MS Solar Grid Data episode revealed not a failure of that tradition, but a failure of the regulatory framework the tradition depends on. The required community meeting was held. Residents had the opportunity to ask questions and engage their council representatives. The process worked as designed. But it had nothing substantive to react to — no definition of what constitutes a data center, no use-specific standards, no criteria against which residents or decision-makers could evaluate what was being proposed. A participation process, however well-designed, cannot function as a safeguard when the underlying zoning structure contains no standards to apply. The problem was not exclusion. The problem was that deliberation had no regulatory anchor. The framework proposed here supplies that anchor. It does not redesign neighborhood participation. It gives neighborhood participation something to work with.

At the P\* tier, the community's protection comes from the standards themselves. The performance matrix in Table 2 encodes residents' legitimate concerns in advance, in objective and measurable form. A data center that meets every standard has already answered those concerns. One that does not is not approved — without discretion, without negotiation, without a hearing in which a developer can argue that the project is "generally compatible" with the surrounding area. That is a more reliable and durable protection than a conditional use process applied to a proposal that the regulatory framework has not defined or constrained.

P\* status is accordingly reserved for data centers at the Minor, Medium, or Large tier in appropriate Industrial zones that meet rigorous objective standards for siting and performance. That high bar is not a mechanism for bypassing community input. It is a filter that ensures only appropriately sited and scaled projects proceed on that track.

Everything else goes to conditional use, where structured community engagement is a substantive requirement rather than a procedural checkbox. At that tier, residents are not reacting in a vacuum. They are evaluating a specific proposal against defined criteria, and their input shapes the discretionary findings the council must make before any approval can be issued. The neighborhood participation process has not changed. What has changed is that it now has a regulatory framework capable of receiving it.

The framework therefore structures neighborhood participation to match the regulatory context. Where siting is appropriate and standards are met, the standards speak for the community and the outcome is predictable. Where siting is uncertain or the scale of the facility warrants full deliberation, the community speaks through the conditional use process and the council acts on the basis of that record. In both cases, the neighborhood's role is real. In neither case is it a formality.

## **IV. Why a Blanket Ban Is Not Advisable**

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### **A. Legal and Zoning Considerations: Tight Regulation Is the Strongest Defense**

The instinct to ban data centers outright is understandable. After the MS Solar Grid Data episode, it is the instinct of a community that has been caught flat-footed and wants to ensure it never happens again. But that instinct, if translated directly into policy, produces a result that is paradoxically weaker — not stronger — than a rigorous regulatory framework. A blanket ban is the city's most legally vulnerable position. A comprehensive set of objective, measurable, site-specific standards is its strongest.

Under Louisiana zoning law and the city's Home Rule Charter, total prohibition of a legitimate commercial use — one that is lawful, has an established market, and is permitted in jurisdictions across the country — from every zoning district in the city is legally untenable. The city's police power authorizes it to regulate land uses, to direct them to appropriate locations, and to impose conditions on their operation. It does not authorize a city to simply erase a legitimate commercial use from its regulatory map entirely. When a city attempts that, it invites a direct legal challenge on the grounds that the prohibition is arbitrary, that it exceeds the police power, and that it constitutes exclusionary zoning — the categorical exclusion of a legitimate use that the law does not permit.

The most instructive recent precedent is Saline Township, Michigan. In September 2025, the township board voted 4-1 to deny rezoning for a \$7 billion data center, citing inconsistency with the master plan. The developer filed an exclusionary zoning lawsuit in Washtenaw County Circuit Court two days later. The township's own attorneys told the board they would lose. The township had \$500,000 in insurance coverage. Potential damages to the landowners were estimated at \$25 million or more — in a jurisdiction projecting a budget deficit with annual revenues under \$750,000. The township settled five weeks after the lawsuit was filed. The \$7 billion OpenAI and Oracle data center now proceeds on the developer's terms, not the

community's, because the community had no deliberate regulatory framework in place when the litigation pressure arrived.

This result is not an aberration. It is what happens when a community tries to use zoning to prohibit rather than regulate. The developer does not need to win on the merits to prevail. It needs only to demonstrate that the city's framework makes approval practically impossible anywhere in the city — functional prohibition regardless of what the ordinance says on its face — and the legal burden shifts. New Orleans would face precisely the same exposure.

**The critical insight is this:** *tight, objective, site-specific performance standards are the neighborhood's best legal protection. They give the city defensible grounds for denial when standards are not met. They give the community verifiable, enforceable conditions. They give the council a record of specific findings to support its decisions.* A ban, by contrast, gives the city nothing to stand on in court. Prohibiting a use the law requires you to accommodate somewhere does not make communities safer — it strips the city of the regulatory tools it needs to make development happen on community terms rather than developer terms.

## **B. Redevelopment of Degraded and Underutilized Land: Turning a Problem Into a Solution**

We have spent decades watching illegal dumping accumulate on parcels that have had little prospect of productive development. Data centers are a land-intensive use that can be directed to exactly that kind of site — large, isolated, previously disturbed parcels with limited alternative development prospects. The opportunity to turn one problem into a solution for the other should not be squandered.

A regulatory framework that identifies previously disturbed and environmentally degraded parcels as preferred locations for data center development creates a direct pathway to remediating what have historically been dumping grounds for tires and construction debris. Data center development requires site preparation, grading, and environmental clearance before construction can proceed. A developer who wants to build on a brownfield or a legacy dumping site must clean it up to do so. The community receives the remediation as a *de facto* condition of the development — not as a government expenditure drawn from tax revenues, but as a private investment triggered by the regulatory structure created here.

This is not a novel concept. Brownfield redevelopment incentives operate on precisely this logic in cities across the country. What is novel here is that data center development — because of its specific site requirements — is particularly well matched to exactly the kinds of degraded industrial parcels that have been impossible to develop under any other use category. Large footprint, low employment density, high utility demand, minimal pedestrian activity: these characteristics make data centers a poor fit for urban mixed-use sites and an excellent fit for isolated, previously disturbed industrial land that currently serves no productive purpose except as a magnet for illegal dumping.

The regulatory question the city should be asking is not only whether data centers are compatible with New Orleans, but whether a data center on a remediated brownfield in New Orleans East is preferable to a continuing illegal dumping ground. The answer to that question, asked honestly and in context, is not difficult. The framework proposed here makes it possible to give the right answer while maintaining full community control over the process.

### **C. Utility Rate Impacts: The Counterintuitive Case for Appropriate Siting**

Community opposition to the MS Solar Grid Data proposal included concern that data center development would drive up residential electricity rates. That concern is legitimate when applied to the wrong kind of data center in the wrong location — one that requires construction of new transmission infrastructure that gets socialized across the rate base. It is precisely backwards, however, when applied to a data center that draws on existing unused utility capacity. Understanding why requires a brief explanation of how utility rate regulation works and what the current trajectory of the New Orleans electrical grid means for residential ratepayers.

Entergy New Orleans, like virtually every regulated electric utility in the United States, operates under a cost-of-service regulatory model. The utility's rates are set by the regulatory commission to allow recovery of its costs — including the fixed costs of maintaining transmission and distribution infrastructure — plus a regulated return on its capital investment. Those fixed costs do not disappear when customers leave. They must be recovered from whoever remains on the system.

Over the past several decades, New Orleans has lost much of the large industrial customer base that historically anchored its grid economics. Plant closures, business relocations, and industrial decline have steadily reduced the anchor load that once bore a disproportionate share of the fixed costs of maintaining the transmission and distribution infrastructure. As those industrial customers have departed, the fixed cost burden has shifted to the remaining ratepayers — predominantly residential customers, who are the least able to absorb it and have no alternative to the utility. Every large industrial customer that leaves makes the next residential rate increase more likely and more severe. This is not a hypothetical trajectory. It is the documented pattern in post-industrial utility service territories across the Gulf Coast.

When a large, steady industrial customer is added to a utility's rate base, the dynamics reverse. A data center draws a large, predictable, continuous load twenty-four hours a day, seven days a week, year-round. It is, from a utility economics perspective, one of the most valuable customer types available — not because of what it pays per kilowatt-hour, but because of the steady and predictable nature of its demand. When that load is added to the rate base, the fixed costs of maintaining the grid infrastructure are spread across a larger pool of customers. The residential ratepayer's share of those fixed costs decreases.

The utility's regulatory commission has less justification for rate increases. The most directly relevant example is Entergy Mississippi — a subsidiary of the same parent company that operates Entergy New Orleans. A December 2025 study by Energy and Environmental Economics (E3) examined the rate impact of a 100 MW data center on the Entergy Mississippi system and found that the facility generates surplus utility revenue above the cost of service: \$3.4 million in 2025, rising to \$6.1 million by 2030. That surplus flows back to the benefit of all ratepayers. Entergy has projected that large-load growth from data centers will keep residential electricity bills in Mississippi approximately 16 percent lower than they would be in the absence of data center load on the system, with cumulative savings to Mississippi ratepayers projected at more than \$2 billion. The mechanism is precisely the one described above: data center load improves utilization of existing infrastructure, spreads fixed costs across a larger base, and generates revenue that reduces the per-unit cost burden on residential customers. (The E3

study was commissioned by Amazon, which operates data centers on the Entergy Mississippi system; the savings projections are Entergy’s own, based on the utility’s rate filings.)

## **D. Grid Utilization Versus Grid Expansion: Why Siting Location Determines Rate Impact**

The community’s fear that residential customers will pay for grid upgrades built to serve new industrial customers like data centers is entirely justified — when applied to the wrong kind of project in the wrong location. A data center that requires new transmission lines, new substations, or new generation capacity places new capital expenditures into the utility’s rate base. Depending on how the regulatory commission allocates those costs, residential ratepayers may bear a portion of them. The concern is real and the framework takes it seriously.

What the framework does — specifically and deliberately — is draw a precise distinction between that scenario and its opposite. When a data center is sited in close proximity to an existing high-capacity transmission substation, it draws on assets that are already in the rate base, already being maintained at ratepayer expense, and already generating fixed costs that the current load is insufficient to recover efficiently. Adding the data center’s load does not add new infrastructure costs. It improves the utilization of existing infrastructure.

The economics of that improvement are straightforward. A substation built to serve 200 megawatts of industrial load that currently serves only 60 megawatts is operating at 30 percent utilization. Its fixed costs — maintenance, debt service, depreciation, regulatory return on capital — are being recovered from a load base one-third of what the asset was designed to serve. Adding a 50-megawatt data center raises that substation’s utilization to 55 percent. The same fixed costs are now spread across a meaningfully larger load. Per-unit cost recovery improves. The pressure on rates decreases. This is not a theoretical benefit. It is the direct financial mechanism by which appropriate data center siting produces downward pressure on residential utility rates.

## **E. New Orleans Control is Paramount**

The state preemption risk is the most consequential long-term consequence of a ban, and it deserves emphasis with this council. Louisiana is actively and deliberately courting data center investment at the state level. The Meta data center in Richland Parish — announced as potentially the largest in the world, at a cost that escalated from \$10 billion to \$27 billion — is the clearest evidence. State economic development officials are in active competition with other states to attract the industry.

When a municipality within that state imposes a categorical prohibition, it creates a direct conflict between local regulatory policy and state economic development strategy. West Virginia’s legislature stripped local zoning authority over data centers entirely in 2025, after municipalities attempted categorical prohibition. The Governor explicitly stated the purpose: to protect the state’s ability to attract data center investment regardless of local opposition. Louisiana’s legislature, operating in an environment of active state-level data center recruitment, faces the same political dynamic.

This is the choice the council faces: adopt a rigorous, enforceable, community-protective regulatory framework that keeps local control over data center development firmly in the

council’s hands, or adopt a ban that invites the state legislature to take that control away. Tight regulation keeps authority local. A ban risks surrendering it.

## V. Reframing the Issue: Infrastructure Suitability

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The MS Solar Grid Data proposal prompted a debate framed as “data centers yes or no.” That framing is both legally untenable and analytically unhelpful. It obscures the question that actually governs the outcome for New Orleans neighborhoods: not whether data centers are appropriate uses, but whether specific locations are appropriate for high-load infrastructure.

Data centers are, at their core, infrastructure. They require large, reliable supplies of electricity. They generate significant heat that must be removed by water or air cooling systems. They produce continuous ambient noise from cooling equipment and backup generators. They require robust utility connections, reliable fiber connectivity, and physical security. All of these requirements point in the same direction: toward locations where heavy industrial infrastructure already exists, where utility capacity is already available, and where the incremental impact of a new industrial use is genuinely minimal. They point away from residential neighborhoods, historic districts, mixed-use corridors, and areas lacking industrial infrastructure.

The siting criteria embedded in Table 2 of this framework operationalize that directional logic in objective, measurable form. A site within one mile of a high-capacity transmission substation or switching station operating at 115kV or higher, adjacent to existing heavy industrial uses, on land with an HI Heavy Industrial future land use designation — or within a Planned Development district carrying that HI designation — on previously disturbed or degraded land, with direct arterial access, and outside historic districts and mixed-use corridors: this is a site where the infrastructure already exists, where the community impact is inherently limited, and where the regulatory burden on the city and the community is appropriately reduced. The P\* pathway — approval upon compliance with objective performance standards — applies here because the siting itself provides community protection that conditional use review would largely replicate without adding substantive benefit.

A site that does not meet these criteria — that is near residential development, in a historic district, without proximate utility infrastructure, or on land the Master Plan has not designated for industrial use — is a site where the regulatory burden must be correspondingly higher. The conditional use pathway — full CPC review, council approval, community engagement, discretionary findings — applies here because the community’s interest in the outcome is greater and the city’s obligation to deliberate carefully is correspondingly stronger.

## VI. Survey of Other Jurisdictions

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### A. Methodology

The jurisdictions surveyed here were selected because they represent the most developed and most instructive regulatory responses to data center development in the United States. Loudoun County, Virginia is the world’s most concentrated data center market and illustrates both the consequences of permitting without standards and the corrective action that responsible regulation requires. Pennsylvania municipalities and the PennFuture model ordinance represent the most comprehensive protective framework developed for jurisdictions

with no prior data center regulation. DeKalb County, Georgia represents the most sophisticated scale-tiered approach. Together, they define the boundaries of professional planning consensus on data center regulation.

## **B. Loudoun County, Virginia — The Cautionary Tale of Scale Without Standards**

Loudoun County is home to what is known as “Data Center Alley” — the highest concentration of data centers in the world, encompassing approximately 47 million square feet of permitted data center capacity as of 2025. That concentration did not result from deliberate planning. It resulted from the absence of planning. For years, data centers were treated as an “office” use and permitted by right in applicable districts — meaning they were approvable by administrative staff review with no public hearing, no performance standards, no community engagement, and no noise, water, or visual impact requirements.

The consequences were predictable in retrospect and catastrophic in practice. The grid became saturated. Dominion Energy, the regional utility, found itself unable to plan transmission capacity adequately. The visual landscape of entire communities was transformed. Community backlash grew into organized opposition, with 42 activist groups now campaigning against further data center development in Northern Virginia. The Board of Supervisors was forced into emergency action in early 2025, adopting a Comprehensive Plan amendment and Zoning Ordinance amendment that eliminated by-right development of data centers entirely and required Special Exception approval — a full legislative hearing process — for every new data center in every industrial district, regardless of size. Phase 2 of that regulatory effort, still underway, is attempting to build the use-specific performance standards that should have been in place from the beginning.

***Key lesson for New Orleans:*** *permitting without performance standards is not a neutral position. It is a decision to let development happen on the developer’s terms, at the developer’s scale, in locations the developer selects. New Orleans has the opportunity Loudoun County squandered: to establish the performance standards, the siting criteria, and the community engagement requirements before the first application is filed, rather than after decades of unconstrained development have made the situation nearly irreversible.*

## **C. Pennsylvania Municipalities and the PennFuture Model Ordinance**

Pennsylvania municipalities have faced rapid data center development pressure, particularly in the Poconos region and suburban Philadelphia, with no existing regulatory framework. PennFuture, a statewide environmental advocacy organization, developed a model data center zoning ordinance after reviewing ordinances from Pennsylvania and Northern Virginia, specifically to give municipalities the tools to regulate data centers before they arrived at the door rather than after.

The Pennsylvania constitutional framework is directly instructive for New Orleans. The Pennsylvania Supreme Court has held that the Pennsylvania constitution requires every municipality to permit every legitimate land use somewhere within its borders. A municipality that fails to accommodate a legitimate use faces legal challenge and, if it loses, must permit the development wherever the developer proposes it — without any of the protective conditions the municipality failed to establish in advance. PennFuture’s attorney has stated plainly: “Saying no is not an option, and local governments cannot impose moratoriums. Whatever regulations are in place when developers apply are the regulations that will apply. It’s best to have good regulations in place before that happens.”

The PennFuture model ordinance is the most comprehensive protective template available for a jurisdiction building a data center regulatory framework from scratch. It addresses noise including low-frequency noise distinct from standard A-weighted decibel measurement, closed-loop water system requirements, power draw and grid impact assessment, stormwater management, aesthetic and screening standards, and emergency management protocols. Each standard is expressed in objective, measurable terms that compliance can be verified against without discretionary judgment.

**Key lesson for New Orleans:** *a jurisdiction that fails to define and accommodate data centers is more legally vulnerable than one that regulates them rigorously.*

## D. DeKalb County, Georgia — The Scale-Tiered Model

DeKalb County, situated in the Atlanta metropolitan area where data center development has surged more than 200 percent year-over-year, produced the most analytically sophisticated local data center ordinance in the country. It is, as of this writing, the first jurisdiction in the United States to formally define data centers in tiered categories based on scale, using square footage and power load as co-equal definitional axes, and to apply differentiated approval pathways and performance standards to each tier.

The DeKalb ordinance recognizes four categories: minor (under 20,000 square feet), medium (20,000 to 100,000 square feet), major (up to 500,000 square feet), and hyperscale/campus (over 500,000 square feet or over 100 MW). Minor facilities are permitted in industrial districts as of right; medium facilities are permitted with additional conditions; major and campus facilities require a Special Land Use Permit with full public review. Each tier carries its own set of performance standards calibrated to its scale and impact. The ordinance also creates an adaptive reuse incentive: no Special Land Use Permit is required when an existing industrial building is redeveloped as a data center, reflecting a preference for infill over greenfield development that this framework adopts as well.

**Key lesson for New Orleans:** *scale must govern regulatory intensity. A single regulatory category that treats a 5,000 square foot co-location facility identically to a 500-acre AI training campus is both analytically indefensible and politically unsustainable. The communities that have achieved durable data center regulation have done so by calibrating the regulatory burden to the actual impact — which is a function of scale.*

## VII. Recommended Framework: Permitted Subject to Standards (P\*)

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The framework introduced in this white paper uses the CZO's familiar permitted/conditional use architecture but adds a third, more precisely calibrated designation: P\* — Permitted Subject to Standards. P\* is not a relaxation of the regulatory burden. It is a reconcentration of that burden into objective, measurable, pre-specified standards that development must meet before a right to build attaches. Understanding what P\* is, and what it is not, is essential to evaluating the framework's protective value.

A standard permitted use requires compliance with the general district standards and nothing more. A developer who meets those general standards has a right to build. P\* is different. A data center seeking P\* status must satisfy every applicable standard in Table 2 — the siting

criteria, the noise standards, the power and grid standards, the water and cooling standards, the setback and buffer requirements, the screening and aesthetic standards, the stormwater requirements, and the application documentation requirements. Every standard is mandatory. Approval is ministerial once compliance is demonstrated — but compliance is defined rigorously.

This is why P\* is more protective, not less protective, than a conditional use process for qualifying sites. A conditional use hearing is discretionary. Discretion can be exercised in favor of a developer who makes compelling arguments, demonstrates economic benefit, or simply outlasts community opposition in a multi-hearing process. P\* eliminates discretion entirely. The standards are what they are. There is no negotiation, no “generally compatible” finding, and no opportunity for a developer to argue that the community’s specific concerns should be overridden by the general benefits of the project.

The compatibility clause that anchors the framework reflects this logic: “A Data Center that complies with all applicable standards of this Table shall be deemed compatible with surrounding uses and consistent with the Comprehensive Plan.” This provision eliminates the subjective “character” and “fit” arguments that have made data center regulation unpredictable in other jurisdictions. It also eliminates the reverse: a city that has established objective standards cannot deny a compliant application on subjective grounds without exposing itself to a successful legal challenge. The standards are the city’s commitment to communities and its commitment to developers simultaneously. That symmetry is what makes the framework legally durable.

Conditional use approval remains available — and required — for data centers that do not satisfy the P\* siting criteria, and for hyperscale facilities regardless of siting. The conditional use process provides the full weight of community engagement, CPC deliberation, and council oversight appropriate to higher-impact proposals or proposals that lack the infrastructure suitability that justifies the more streamlined P\* pathway. The compatibility clause applies at the conditional use tier as well, constraining denial to specific findings of noncompliance with objective standards.

One further structural principle governs how the framework handles questions of electrical infrastructure. New Orleans is unique in the United States: the City Council is the sole retail regulator of Entergy New Orleans, exercising that authority through a formal docket process administered with the assistance of the Council Utilities Regulatory Office. Whether a proposed data center’s grid connection requires infrastructure upgrades, whether those upgrades are prudent, and whether their costs should be borne by the developer or socialized across ratepayers are questions that belong in that docket process — not in a zoning proceeding. The City Planning Commission and the Department of Safety and Permits have neither the technical expertise nor the regulatory authority to adjudicate electrical system capacity or transmission constraints.

***Key Takeaway:*** *This framework draws a clear line: the land use determination belongs to the CPC; the infrastructure and cost determination belongs to the people through the Council Utilities Regulation Office, and ultimately the City Council itself.*

## VIII. Differentiation by Facility Size: The Four Tiers

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The single most important regulatory design decision in this framework is the decision to differentiate by scale. A data center is not a monolithic use. The term encompasses facilities that range from a few thousand square feet and a few megawatts of power demand to multi-building campuses covering hundreds of acres and drawing hundreds of megawatts from the grid. Treating them as a single category — either by permitting all or prohibiting all — is analytically indefensible and produces regulatory outcomes that serve neither the community nor the planning objectives the framework is designed to achieve.

The four tiers established in this framework are derived from the peer ordinance survey and are calibrated to reflect meaningful differences in infrastructure demand, community impact, and appropriate regulatory scrutiny. Square footage and power demand serve as co-equal definitional axes because they capture complementary dimensions of impact: footprint captures land use and visual impact, and power demand captures grid and utility impact. A facility may trigger a higher tier under either axis independently.

### A. Minor Data Center — Under 20,000 Square Feet and Under 5 MW

A Minor data center is a small co-location or enterprise facility that fits within or is compatible with an existing industrial building footprint. At under 5 megawatts of power demand, its load impact on the grid is within the range of many conventional industrial tenants. At under 20,000 square feet, its physical footprint is consistent with ordinary commercial and light industrial development. Minor data centers are permitted subject to performance standards (P\*) in all Centers for Industry districts and in PD districts with HI future land use designations, without a siting criteria requirement. The baseline performance standards — noise disclosure, cooling system disclosure, anticipated load disclosure, and standard site plan — are sufficient protection at this scale. The regulatory burden is proportionate to the impact.

### B. Medium Data Center — 20,000 to 250,000 Square Feet or 5 to 50 MW

A Medium data center is a regional facility with meaningful power demand and a significant physical footprint. At 5 to 50 megawatts of demand, it has the potential to affect grid utilization and, if poorly sited, to require new infrastructure investment. At 20,000 to 250,000 square feet, its footprint is substantial but not transformative. This tier is where the siting criteria do their primary work: a Medium data center on an appropriately sited parcel — proximate to existing high-capacity infrastructure, on previously degraded industrial land, distant from residential zoning, and with direct arterial access — receives P\* treatment with the full suite of performance standards. A Medium data center that cannot meet those siting criteria is a conditional use, subject to the full Section 4.3 process.

Medium data centers receive P\* treatment in PD districts carrying an HI future land use designation, provided all applicable siting criteria are met. The rationale is that the Table 2 performance standards are the protective mechanism. A PD parcel whose future land use designation is HI presents the same receiving environment as a base HI parcel, and the same objective standards apply in both cases. Requiring a PD amendment process on top of full Table 2 compliance would impose additional cost, delay, and negotiation without any corresponding increase in community protection. See Section XI (Planned Development Integration) for the full rationale.

### **C. Large Data Center — Over 250,000 to 500,000 Square Feet or 50 to 150 MW**

A Large data center is a significant industrial facility with substantial grid implications. At 50 to 150 megawatts of power demand, it is approaching the threshold at which utility infrastructure adequacy becomes a genuine planning concern. At 250,000 to 500,000 square feet, its footprint has landscape-scale implications for its surrounding area. Large data centers may receive P\* treatment in HI base districts and in PD/HI districts when all siting criteria are met, with enhanced performance standards — including mandatory grid impact study, water impact study, transmission line assessment, independent third-party noise study, and annual compliance reporting. Large data centers that do not meet siting criteria are conditional uses subject to the full Section 4.3 process with maximum performance standards.

### **D. Hyperscale Data Center — Over 500,000 Square Feet or Over 150 MW**

A Hyperscale data center is the type of facility that drove the national data center backlash — the massive AI training campus, the multi-building infrastructure park, the facility requiring dedicated on-site substations and transmission infrastructure that can stress regional grids. This is the use that residents in Peculiar, Missouri, in Saline Township, Michigan, and in the neighborhoods around Read Boulevard were legitimately concerned about. Hyperscale data centers are conditional uses (C) in HI and PD/HI districts and are prohibited in all other districts. No P\* pathway is available at this tier regardless of how well the siting criteria are met. The scale is large enough that community deliberation is always warranted. The council should always have a voice when a facility of this magnitude is proposed, even on an otherwise ideal site. Additional eligibility requirements apply: a minimum parcel size of 50 acres and direct access to a principal arterial roadway.

## **IX. Table 1: The Use Table — District Eligibility by Tier**

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Table 1 answers the threshold question of district eligibility: where is each tier of data center use available in New Orleans, and under what pathway? The table operates in conjunction with Table 2. A data center's approval pathway is determined first by its tier and district designation in Table 1, and then by its compliance with the applicable standards in Table 2. The two instruments work together: Table 1 establishes the 'where,' and Table 2 establishes the 'how.'

Data centers of any tier are prohibited in all residential districts — all Historic Core Neighborhoods residential districts, all Historic Urban Neighborhoods residential districts, all Suburban Neighborhoods residential districts, and any other zoning district whose primary purpose is to accommodate residential use. The prohibition is absolute, unconditional, and does not vary by tier or size. No conditional use pathway, no variance, and no planned development mechanism makes a data center of any kind allowable in a residential district. This prohibition reflects the fundamental incompatibility between data center operations — heavy industrial noise, continuous utility demand, restricted access perimeters, industrial-scale infrastructure — and the residential environment that these districts are established to protect.

Data centers at the Large, Hyperscale, and Server Farm / Crypto Mining tiers are prohibited in all commercial districts, including all Commercial Center and Institutional Campus districts, all

Historic Core Neighborhoods non-residential districts, all Historic Urban Neighborhoods non-residential districts, all Suburban Neighborhoods non-residential districts, all Central Business District classifications, and all mixed-use districts. Minor and Medium data centers are conditional uses (C) in commercial districts, subject to the full Section 4.3 process including CPC public hearing and Council approval. This tiered approach reflects the infrastructure reality that commercial districts in New Orleans are generally not proximate to the transmission infrastructure that appropriate data center siting requires, while preserving a conditional use pathway for smaller-scale facilities where the Council determines, on the record, that site-specific conditions warrant approval.

Data centers are available as permitted uses (P\*) or conditional uses (C) primarily in Centers for Industry districts and in PD Planned Development districts carrying an HI Heavy Industrial future land use designation. Within the Centers for Industry districts, availability varies by tier: Minor data centers receive P\* treatment in LI, HI, and MI districts; Medium data centers are conditional uses in LI and receive P\* treatment in HI; Large data centers receive P\* treatment only in HI; and Hyperscale data centers are conditional uses only in HI. MI Maritime Industrial districts are excluded from Medium and larger data center tiers because Maritime Industrial zoning is designed to preserve land for port-dependent, waterborne-commerce, and maritime-industrial uses; the introduction of large-scale data center facilities, which have no operational relationship to maritime functions, would conflict with the land use priorities and port-access requirements that define these districts. Minor and Medium data centers are also available as conditional uses in commercial districts, as set forth in Table 1 below. A PD district with an HI future land use designation is treated as equivalent to a base HI district for purposes of this framework.

**Table 1: Data Center Use Table — District Eligibility by Tier**

Use Category / Tier	Residential Districts		Commercial Districts	Centers for Industry Districts			Planned Dev.
	All Residential (S-RS, HU-RS, etc.)	Historic Residential (VCR, HMR)	All Commercial (C-1, C-2, C-3, MU, CBD, etc.)	LI Light Industrial	HI Heavy Industrial	MI Maritime Industrial	PD w/ HI Future Land Use
<b>Data Center, Minor (&lt;20,000 sf AND &lt;5 MW) Accessory use &lt;2,000 sf</b>	—	—	<b>C</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>
<b>Data Center, Medium (20,000–250,000 sf OR 5–50 MW)</b>	—	—	<b>C</b>	<b>C</b>	<b>P*</b>	—	<b>P*</b>
<b>Data Center, Large (Over 250,000–500,000 sf OR 50–150 MW)</b>	—	—	—	—	<b>P*</b>	—	<b>P*</b>
<b>Data Center, Hyperscale (&gt;500,000 sf OR &gt;150 MW) Dedicated substation required</b>	—	—	—	—	<b>C</b>	—	<b>C</b>
<b>Server Farm / Crypto Mining Facility (classified per MW tier above)</b>	—	—	—	—	<b>C</b>	—	<b>C</b>
<b>P*</b> Permitted Subject to Performance Standards (Table 2) — administrative approval, no public hearing <b>C</b> Conditional Use — Section 4.3 CPC hearing + Council approval    — Prohibited							

*P\* = Permitted Subject to Performance Standards (Table 2): administrative approval upon compliance. C = Conditional Use: Section 4.3 process, CPC public hearing, Council approval. — = Prohibited. The PD/Hi column applies to any Planned Development carrying an HI future land use designation on the Official Zoning Map and Future Land Use Map. The residential prohibition is absolute and applies to all tiers without exception. Minor and Medium data centers are conditional uses in commercial districts; Large, Hyperscale, and Server Farm / Crypto Mining facilities are prohibited in commercial districts.*

## X. Table 2: The Performance and Siting Standards Matrix

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Table 2 establishes the objective, measurable standards that every data center must satisfy, regardless of tier, district, or approval pathway. At the P\* tier, demonstrated compliance with all applicable standards in Table 2 is the sole and sufficient basis for administrative approval. At the conditional use tier, the standards in Table 2 are the minimum floor. The reviewing body may impose additional conditions as part of the conditional use approval, but may not deny an application based on criteria not contained in this matrix.

The cross-reference provision that ties the two tables together is the operative legal mechanism: “Any Data Center use in any district where such use is permitted or conditionally permitted under Table 1 shall comply with the applicable standards of Table 2. At the P\* tier, compliance with all applicable standards of Table 2 shall constitute sufficient basis for approval. At the conditional use tier, the standards of Table 2 are the minimum requirements applicable to all approvals.”

The matrix is designed to make regulatory outcomes predictable. A developer reviewing Table 2 before filing an application should be able to determine, with reasonable certainty, whether a proposed project is approvable and what conditions will be imposed. A community member reviewing Table 2 before a project is approved should be able to determine whether the applicable standards have been met and what performance is required of the facility over its operating life. That predictability — that shared understanding of what the rules require and what compliance looks like — is the foundation of a regulatory framework that produces durable outcomes.

Values currently shown in the matrix in highlighted brackets may require technical analysis to finalize. The framework structure, the categories of standards, and the differentiation by tier are established by this white paper. The specific numerical thresholds will be determined by the CPC’s technical study during the moratorium period, in coordination with Entergy New Orleans, the Sewerage and Water Board, and other relevant technical agencies.

The matrix distinguishes between two receiving environment categories. Category A (Industrial Context) applies where the subject property is in an industrial district and no residentially zoned parcel, school, licensed childcare facility, elder care facility, hospital, place of worship, or public park, (sometimes called *sensitive receptors*) is within the applicable setback distance. In that context, the surrounding environment is entirely industrial and reduced standards — particularly for noise and screening — are appropriate because the impact on sensitive receptors is minimal. Category B (Proximity Context) applies where at least one such sensitive receptor is within the applicable setback distance. In that context, enhanced protective standards apply because the facility’s operations have the potential to affect populations that warrant greater protection. The distinction ensures that regulatory burden is calibrated to the actual receiving environment rather than applied uniformly regardless of context.

**Table 2: Data Center Performance and Siting Standards Matrix**

Standard / Criterion	Minor <20K sf / <5 MW	Medium 20K–250K sf 5–50 MW	Large >250K–500K sf 50–150 MW	Hyperscale >500K sf / >150 MW
<p><b>Receiving Environment Categories:</b> Standards marked below vary based on the receiving environment of the subject property.</p> <p><b>Category A — Industrial Context:</b> Subject property is in HI, MI, LI, or PD/HI district <u>AND</u> no residentially zoned parcel, school, licensed childcare facility, elder care facility, hospital, place of worship, or public park is within the applicable setback distance.</p> <p><b>Category B — Proximity Context:</b> Any site where at least one residentially zoned parcel, school, licensed childcare facility, elder care facility, hospital, place of worship, or public park is within the applicable setback distance. Standards calibrated to protect these uses.</p>				
<p><b>SITING CRITERIA For P* status, ALL criteria must be met. (Uniform — both categories)</b></p>	<p>Not required at this scale.</p>	<p>All required for P* status:</p> <ul style="list-style-type: none"> <li>• Within 1.0 mi of 115kV+ substation or switching station</li> <li>• HI district or PD w/ HI future land use</li> <li>• Not within 750 ft of residentially zoned parcel; not within 1,125 ft of school/daycare</li> <li>• Previously disturbed/degraded land — defined as: (a) LDEQ Brownfields database listings; (b) sites with documented illegal dumping; (c) sites within .5 mi of documented prior industrial development within 50 years; or (d) sites with prior environmental impact documentation.</li> <li>• Direct arterial/industrial road access</li> <li>• Outside historic districts</li> </ul>	<p>Same as Medium. All criteria mandatory.</p>	<p>No P* pathway. Conditional use only.</p>
<p><b>NOISE — Category A: Industrial Context</b></p>				
<p><b>Cat A NOISE (property line)</b></p>	<p>No daytime noise limit No nighttime noise limit</p>	<p>No daytime noise limit No nighttime noise limit</p>	<p>Same as Medium Cat A + Independent 3rd-party study + Annual compliance report to CPC</p>	<p>Same as Large Cat A + Noise monitoring in performance agreement</p>
<p><b>NOISE — Category B: Proximity Context</b> — <i>Protective standards where residentially zoned parcels, schools, childcare facilities, elder care facilities, hospitals, places of worship, or public parks are within setback distance.</i></p>				
<p><b>Cat B NOISE (property line)</b></p>	<p>≤ 50 dBA daytime ≤ 40 dBA nighttime Baseline study required</p>	<p>≤ 50 dBA daytime (7am–10pm) ≤ 40 dBA nighttime (10pm–7am) Pre-construction baseline study required</p>	<p>Same as Medium Cat B + Independent 3rd-party study + Annual compliance report to CPC + Community noise hotline required</p>	<p>Same as Large Cat B + Ongoing community liaison + Noise monitoring in performance agreement</p>

		Post-construction compliance within 60 days Annual monitoring, years 1–5		
<b>POWER, GRID &amp; ON-SITE GENERATION (Uniform — both categories)</b>	Load disclosure required	Same as Minor  Written documentation from Entergy New Orleans confirming one of the following: service availability for the proposed load; interconnection feasibility; or acceptance of a pending interconnection or service request. See Section XII for all acceptable forms.	Same as Medium + Transmission line impact assessment + Utility load confirmation letter + On-site generation plan if >100 MW	Same as Large + Binding interconnection agreement + Dedicated on-site substation required
<b>WATER &amp; COOLING (Uniform — both categories)</b>	Cooling system type disclosure	Cooling system type disclosure Closed-loop cooling systems are exempt from the water impact study requirement Evaporative cooling permitted w/: • Water impact study • Documented alternative analysis Water service capacity confirmation from S&WB	Same as Medium + Water impact study required regardless of cooling type + Evaporative cooling requires CPC finding of necessity + Annual water use reporting	Closed-loop cooling required Evaporative cooling prohibited + All Large water requirements + Water use in performance agreement
<b>SETBACKS &amp; BUFFERS — Category A: Industrial Context</b> — <i>Reduced requirements where surrounding context is entirely industrial.</i>				
<b>Cat A SETBACKS</b>	As required by zoning district	As required by zoning district	As required by zoning district	As required by zoning district
<b>SETBACKS &amp; BUFFERS — Category B: Proximity Context</b> — <i>Enhanced setbacks where residentially zoned parcels, schools, childcare facilities, elder care facilities, hospitals, places of worship, or public parks are present.</i>				
<b>Cat B SETBACKS</b>	As required by zoning district	≥ 750 ft from residential ≥ 1,125 ft from schools/daycare 100-ft transitional buffer along non-industrial property lines	≥ 1,000 ft from residential ≥ 1,500 ft from schools/daycare  200-ft transitional buffer fencing + landscape screen	≥ 1,500 ft from residential ≥ 2,250 ft from schools Full environmental buffer Visual impact study required
<b>SCREENING &amp; AESTHETICS — Category A: Industrial Context</b> — <i>Functional security standards; reduced aesthetic requirements in deep industrial context.</i>				
<b>Cat A SCREENING</b>	As required by zoning district	Security fencing required around	Same as Medium Cat A	Same as Large Cat A

		<p>facilities (not property perimeter)</p> <p>Fencing is not required along any portion of the site where installation would require the discharge of fill material or placement of structures in Waters of the United States requiring Department of the Army authorization.</p> <p>No maximum illuminance at property line</p>	<p>No canopy tree requirement where all abutting properties are industrial</p>	<p>+ Site perimeter plan with fencing/access control specs</p>
<p><b>SCREENING &amp; AESTHETICS — Category B: Proximity Context</b> — <i>Enhanced screening where facility is visible from residentially zoned parcels, schools, childcare facilities, elder care facilities, hospitals, places of worship, public parks, or public spaces.</i></p>				
<p><b>Cat B SCREENING</b></p>	<p>As required by zoning district</p>	<p>Fencing required around facilities (not property perimeter) (default: opaque material where visible from residential)</p> <p>Rooftop equipment fully screened</p> <p>1 canopy tree per 30 linear ft frontage</p> <p>Full-cutoff lighting only ≤ 0.5 fc maintained illuminance at property line</p>	<p>Same as Medium Cat B</p> <p>+ Architectural review of street-facing facades</p> <p>+ No exposed metal panels visible from arterial</p>	<p>Same as Large Cat B</p> <p>+ Site-wide visual impact study</p>
<p><b>STORMWATER &amp; IMPERVIOUS SURFACE (Uniform — both categories)</b></p>	<p>As required by zoning district</p>	<p>As required by zoning district</p>	<p>Same as Medium</p> <p>+ Stormwater management plan required</p> <p>+ Enhanced green infrastructure</p> <p>+ Drainage impact study required</p> <p>Green infrastructure: ≥ 10% of site (Medium); ≥ 20% for Jurisdictional wetlands count toward this minimum</p>	<p>Same as Large</p> <p>+ Full hydrological study</p> <p>+ Stormwater in performance agreement</p>
<p><b>TRANSPORTATION &amp; SITE ACCESS (Uniform — both categories)</b></p>	<p>As required by zoning district</p>	<p>Direct arterial/industrial road access</p> <p>No truck routing through residential streets</p>	<p>Same as Medium</p> <p>+ Construction traffic management plan</p> <ul style="list-style-type: none"> <li>• Designated haul routes</li> <li>• Hours: Cat B (near residential): 7am–6pm weekdays only; Cat A (HI): no restriction</li> <li>• Neighbor notice: None required</li> </ul>	<p>Same as Large</p> <p>+ Full traffic impact study</p> <p>+ Traffic mitigation in performance agreement</p>

<p><b>REQUIRED APPLICATION DOCS (Uniform — both categories) Compliance Certification (all tiers, all categories): Required. See Section XV.D for full definition and requirements.</b></p>	<ul style="list-style-type: none"> <li>• Anticipated load disclosure</li> </ul>	<p>All Minor docs, plus:</p> <ul style="list-style-type: none"> <li>• Noise disclosure</li> <li>• Cooling system disclosure</li> <li>• Noise impact assessment</li> <li>• Utility documentation (Sec. XII)</li> </ul>	<p>All Medium docs, plus:</p> <ul style="list-style-type: none"> <li>• Transmission line assessment</li> <li>• Independent noise study</li> <li>• Water impact study</li> <li>• Construction traffic plan</li> <li>• Utility load confirmation letter</li> <li>• Water consumption plan</li> <li>• Grid/energy plan w/ load profile</li> <li>• Lighting plan</li> <li>• Sewer capacity confirmation</li> <li>• Tree preservation plan</li> <li>• Site access plan</li> <li>• Siting criteria certification</li> <li>• Receiving environment determination (Cat A or Cat B)</li> </ul>	<p>All Large docs, plus:</p> <ul style="list-style-type: none"> <li>• Full environmental assessment</li> <li>• Performance agreement (draft)</li> <li>• Community liaison plan</li> <li>• Utility interconnection agreement</li> <li>• Hydrological study</li> </ul>
<p><b>APPROVAL PATHWAY (Uniform — both categories)</b></p>	<p>P* — Administrative review. Approval upon compliance</p>	<p>P* in HI and PD/HI if criteria met: Administrative review. Approval upon verified compliance</p> <p>C in HI if any criterion not met:                  Full Section 4.3 process                  CPC hearing + Council approval                  Compatibility clause applies</p>	<p>P* in HI and PD/HI if siting criteria met: Administrative + enhanced standards</p> <p>C in HI if criterion not met:                  Full Section 4.3 process                  CPC hearing + Council approval</p>	<p>C — Always Full Section 4.3 process CPC hearing + Council approval Binding performance agreement required Min. 50-acre parcel Direct arterial access required</p>

**Compatibility Clause:** “A Data Center that complies with all applicable standards of this Table, including the applicable Category A or Category B standards based on the receiving environment determination, shall be deemed compatible with surrounding uses and consistent with the Comprehensive Plan. Denial shall be supported by specific written findings of noncompliance with the objective standards of this Section.”

## **XI. Planned Development Integration**

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The treatment of Planned Development districts in this framework requires specific attention because some of the parcels most in need of productive reuse in New Orleans — sites that have suffered decades of neglect, illegal dumping, and environmental degradation, surrounded by heavy industrial uses, adjacent to electrical generation infrastructure, and carrying an HI future land use designation on the Future Land Use Map — happen to be classified PD rather than base HI. Without the PD/HI column in Table 1, a developer on such a parcel who meets every objective siting and performance standard in Table 2 would be forced into the PD approval process — a discretionary, negotiation-driven procedure that evaluates the same land use impacts the Table 2 standards already control. The PD process was not designed for, and adds no analytical value to, the evaluation of data center siting when the framework's performance standards already address noise, setbacks, thermal discharge, stormwater, and electrical infrastructure. Imposing it on a parcel whose future land use designation is HI, whose surrounding context is industrial, and whose proposed use meets every standard applicable to a base HI district amounts to a procedural penalty for a zoning classification that predates the data center framework entirely.

The PD/HI column in Table 1 resolves this by keying the approval pathway to the future land use designation rather than the procedural classification. Where the FLUM designates a PD parcel as HI, the data center approval pathway follows the HI standards: if the Table 2 siting criteria are met, the use receives P\* treatment — administrative approval upon demonstrated compliance — without requiring the developer to enter or re-enter the PD process. The logic is that the performance standards are the protective mechanism, not the PD negotiation. A parcel zoned PD with an HI future land use designation, situated among heavy industrial uses and adjacent to electrical generation infrastructure, presents the same receiving environment as a base HI parcel. The Table 2 standards impose the same objective requirements in both cases. If those standards are sufficient to protect surrounding land uses on base HI land, they are equally sufficient on a PD parcel that the city's own FLUM classifies as HI. Requiring the PD process on top of full Table 2 compliance would add cost, delay, and negotiation risk without any corresponding increase in community protection — while creating a perverse incentive to develop data centers on less-suitable base HI parcels simply to avoid the PD procedural overlay. Hyperscale data centers remain conditional uses in PD/HI districts because their scale warrants site-specific review regardless of the underlying district classification.

## **XII. Electrical Infrastructure and Utility Coordination for Data Centers**

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### **A. Purpose and Intent**

The purpose of this Section is to ensure that determinations regarding electrical service availability, system capacity, and interconnection requirements for Data Centers are made by the electric utility with jurisdiction — and not by the City — in recognition of the technical expertise and regulatory authority of such utility. The land use and zoning process is not the appropriate venue for electrical engineering determinations. Those determinations belong to

the utility and, at the rate and infrastructure level, to the City Council's utility regulatory function including the Council Utilities Regulatory Office. The Department of Safety and Permits and the City Planning Commission shall not be placed in the position of conducting or second-guessing complex electrical engineering analysis.

## **B. Application Completeness Requirement**

An application for a Data Center shall be deemed complete upon submission of documentation from the electric utility demonstrating one of the following: (1) service availability for the proposed load; (2) interconnection feasibility; or (3) acceptance into a utility interconnection or service request process. No application shall be considered incomplete on the basis of electrical infrastructure capacity if such documentation has been provided.

## **C. Acceptable Forms of Utility Documentation**

Documentation sufficient to satisfy the requirements of this Section shall include any of the following issued by the electric utility: (1) a service availability letter; (2) an interconnection feasibility study or system impact study; (3) a facilities study or executed service agreement; (4) written confirmation of capacity at the requested load level; or (5) written acknowledgment of a pending interconnection or service request. The City shall not require a specific form of documentation where any of the above has been provided.

## **D. Utility Determination Controlling**

Demonstration of service availability or interconnection feasibility from the electric utility shall satisfy all requirements of this Comprehensive Zoning Ordinance related to electrical infrastructure adequacy. The electric utility shall be the sole authority responsible for determining system capacity, interconnection requirements, and any necessary upgrades to serve the proposed use.

## **E. Limitation on City Review**

The City shall not require or conduct independent engineering analysis of: (1) electrical system capacity; (2) transmission or distribution constraints; (3) interconnection feasibility; or (4) required system upgrades, where documentation from the electric utility has been submitted in accordance with this Section.

## **F. No Denial Based on Electrical Capacity**

A Data Center application shall not be denied on the basis of electrical infrastructure capacity, system impacts, or potential utility upgrades where the applicant has provided documentation satisfying Subsections B and C. Generalized concerns regarding grid capacity or system reliability shall not constitute grounds for denial. This provision is protective of the community because it prevents the zoning process from being used as a backdoor venue for electrical infrastructure disputes that properly belong in the Council's utility regulatory docket — where ratepayer interests are represented and cost allocation is subject to formal review. The community's protection on grid-related questions comes through the Council's regulatory authority over Entergy New Orleans, not through the land use process.

## **G. Timing of Utility Approval**

Final interconnection approval, execution of service agreements, or completion of utility upgrades shall not be required prior to zoning approval, conditional use approval, or Planned Development approval. Nothing in this Section shall be interpreted to relieve the applicant of the obligation to obtain all required utility approvals prior to construction or operation.

## **H. Coordination with Planned Developments**

A Data Center proposed in a Planned Development district carrying an HI future land use designation shall be evaluated under the same standards applicable to a base HI district. Where a Data Center meets all applicable siting criteria and performance standards of Table 2 for the HI district, the use qualifies for P\* treatment and no separate PD amendment, PD modification, or additional PD approval process is required. Compliance with Table 2 and the utility documentation requirements of this Section shall satisfy any requirement that adequate infrastructure or utilities be demonstrated as part of the approval findings under Section 4.4.G. The PD classification shall not impose any procedural requirement beyond those applicable to a base HI district where the future land use designation is HI and all Table 2 standards are met.

## **I. Relationship to Performance Standards**

Nothing in this Section shall limit the City's authority to regulate: (1) noise; (2) setbacks and buffering; (3) screening and design; (4) environmental impacts; or (5) other performance standards unrelated to electrical infrastructure capacity. The City's full authority over land use, siting, neighborhood protection, and all non-electrical performance standards is preserved. This Section creates a clear separation of roles: the utility determines whether service can be provided; the City determines where the use is appropriate and under what conditions.

## **J. Institutional Rationale**

This structure is consistent with the City's Home Rule Charter, under which the City Council regulates electric utilities and retains oversight of rates, infrastructure investment, and system reliability. The Council's utility regulatory function, including the Council Utilities Regulatory Office, provides the appropriate institutional backstop for questions of system capacity, grid impacts, and cost allocation. Issues relating to electrical infrastructure adequacy are addressed within the City's existing utility regulatory framework, rather than through the land use and zoning process, where the CPC and Department of Safety and Permits lack the technical expertise and regulatory authority to make such determinations with the precision they require. The New Orleans City Council is the sole retail regulator of Entergy New Orleans — a unique position in the United States, and one that gives the Council direct authority over ENO's rates, capital investment, and infrastructure planning. That regulatory authority is exercised through a formal docket process, administered with the assistance of the Council Utilities Regulatory Office and the Council's utility advisors. Questions about whether grid upgrades are necessary, whether they are prudently incurred, and whether their costs should be recovered from ratepayers are precisely the questions that docket process is designed to resolve — with technical expertise, evidentiary record, and public participation. Those questions are not appropriate for resolution in a land use proceeding. The City Planning Commission and the Department of Safety and Permits have neither the technical expertise nor the regulatory authority to evaluate electrical system capacity, transmission constraints, or cost allocation. Introducing those questions into the zoning process does not make the

answers more reliable. It makes them less so — and it creates a parallel, less rigorous forum for decisions that the Council’s regulatory process already handles with greater competence and accountability. This framework therefore draws a bright line. The land use determination — where a data center may be located and under what physical conditions — belongs to the CPC and the Council acting in its legislative capacity. The infrastructure determination — whether the grid can serve a proposed facility and at what cost to whom — belongs to ENO, subject to the Council’s oversight through CURO and the utility docket process. A data center applicant who demonstrates proximity to existing 115kV+ transmission infrastructure, and who provides the utility documentation required by this Section, has satisfied the land use framework’s infrastructure inquiry. Whether any resulting grid investment is prudent and how its costs are allocated is a question for the Council’s regulatory docket — the forum built for exactly that purpose.

### **XIII. Transportation and Land Condition**

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Data centers generate minimal operational vehicular traffic. A fully operational facility employs relatively few workers for its footprint — an average data center employs approximately 30 people — and its ongoing operational needs generate modest delivery and service traffic. The traffic concern is not related to data center operations; it is related to construction.

A major data center campus under construction requires months or years of heavy haul traffic: concrete trucks, structural steel deliveries, large equipment transport, and workers. If the construction route runs through residential streets — because the site lacks direct arterial access — the community impact can be substantial and sustained. The direct arterial access requirement in Table 2 addresses this concern specifically and concretely: a proposed data center site must have direct access to an arterial or industrial roadway, and construction traffic must be routed on designated haul routes that do not pass through residential streets. The construction traffic management plan required at the Large and Hyperscale tiers details those routes, establishes hours of operation for heavy haul traffic, and requires advance notification to affected neighbors.

On land condition, the framework affirmatively directs data center development toward previously disturbed and degraded industrial land. This preference is embedded in the siting criteria as a requirement for P\* status at the Medium and Large tiers, and is reinforced by the adaptive reuse incentive: a data center that redevelops an existing industrial building is subject to streamlined review that does not require the full siting criteria analysis applicable to greenfield development. The preference for degraded and previously disturbed land is both a planning principle — infill over greenfield, remediation over abandonment — and an environmental justice argument: the communities that have borne the burden of illegal dumping and industrial abandonment should be the first to benefit from development that cleans those sites up.

### **XIV. Implementation Strategy**

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The moratorium established by M-26-63 is the city’s window of regulatory opportunity. When it expires, the city will return to the same definitional vacuum that invited the MS Solar Grid Data

proposal unless permanent standards are in place. The CPC should develop and recommend CZO amendment language incorporating Table 1 and Table 2 as operative instruments, present that recommendation to the City Council, and have the Council adopt the amendment.

The power demands of AI data centers have grown more than tenfold in a decade and show no signs of leveling off. The performance standards in Table 2 — particularly the noise thresholds, the power demand tier boundaries, and the water use standards — should be reviewed periodically in light of operational experience and evolving industry practice. The framework should be treated as a living instrument, subject to amendment as the CPC and council gain experience with its application.

## **XV. Ordinance Framework and Drafting Roadmap**

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This section identifies the specific CZO articles that require amendment and describes the content each amendment must include. It is intended as a roadmap for CPC staff and the city attorney in drafting the formal ordinance language.

### **A. New Definitions — Article 26**

Article 26 must be amended to add the following definitions: Data Center, Accessory (an accessory use under 2,000 square feet housed within a building whose primary use is not a data center); Data Center, Minor (under 20,000 square feet and under 5 MW); Data Center, Medium (20,000 to 250,000 square feet or 5 to 50 MW; classification governed by highest applicable threshold); Data Center, Large (Over 250,000 to 500,000 square feet or 50 to 150 MW); Data Center, Hyperscale (over 500,000 square feet or over 150 MW, dedicated substation required); Server Farm (cross-referenced to the applicable tier based on power demand); Crypto Mining Facility (cross-referenced to the applicable tier based on power demand); and Permitted Subject to Performance Standards (P\*) as a defined approval designation under which a use is approved administratively upon demonstrated compliance with all applicable standards of the performance matrix, without public hearing or discretionary review.

### **B. Use Table Amendments — Article 16 (Centers for Industry)**

Article 16 use tables must be amended to incorporate Table 1 as the governing use permission table for data center uses. The amendment adds data center tiers as new use categories, assigns the P\*/C/blank designations across the LI, HI, and MI columns, and adds a PD/HI column. A cross-reference to Table 2 as the applicable performance standard is included in the use standards column for each data center entry.

### **C. Prohibition Confirmation — Articles 9–15 and 17**

Each article governing residential districts should include an explicit cross-reference or note confirming that data centers are not listed in those districts' use tables and are therefore prohibited uses in those districts. For commercial and mixed-use districts, the cross-reference should confirm that only Minor and Medium data centers are available as conditional uses (C) under Table 1, that Large, Hyperscale, and Server Farm / Crypto Mining facilities are prohibited, and that no data center of any tier is permitted by right or by P\* status. This explicit treatment eliminates any ambiguity arising from the general rules governing uses not listed in

use tables and ensures that the regulatory structure survives future CZO amendments that might otherwise introduce interpretive uncertainty.

#### **D. New Use Standards Section — Article 20**

A new Section 20.3.[X] — Data Centers — must be added to Article 20. This section incorporates Table 2 as the operative performance and siting standards, establishes the cross-reference provision tying Table 1 to Table 2, sets out the compatibility clause, establishes the utility feasibility safe harbor, states the constrained denial standard: denial of a P\* application or a conditional use application for a data center must be supported by specific written findings of noncompliance with the objective standards of Table 2, and establishes the professional certification requirement set out below.

Professional Certification Requirement (Compliance Certification). No application for a Data Center use shall be deemed complete unless accompanied by a Compliance Certification: a written certification, signed and sealed by a licensed Professional Engineer (PE) or Registered Architect (RA) licensed in the State of Louisiana, attesting that the proposed Data Center, as documented in the accompanying application materials, will satisfy all applicable standards of Table 20-[X] for the applicable tier and receiving environment category. The certification shall identify each applicable standard, state the basis for compliance, and cross-reference the supporting documentation submitted with the application. The certification shall further attest that any required supporting technical studies have been prepared in accordance with applicable professional standards. Submission of a false or materially inaccurate certification shall constitute grounds for revocation of any approval issued in reliance on it. The Compliance Certification does not substitute for or supersede the individual technical documents required by Table 20-[X]; it supplements them by providing a single point of professional accountability for the completeness and accuracy of the application as a whole. The Department of Safety and Permits shall review the application for completeness — the presence of all required documents and a facially compliant certification — but is not required to independently verify the technical conclusions contained in the supporting documentation. Denial of an application on the basis that technical documentation fails to demonstrate compliance with an applicable standard shall be supported by specific written findings identifying the standard, the deficiency, and the basis for the determination. A separate post-construction Compliance Certification by a licensed PE or RA shall be submitted within 60 days of the commencement of operations, attesting that all standards verifiable only after construction (including noise levels and stormwater performance) are met as built. The post-construction certification requirement applies to all tiers above Medium.

#### **E. PD Integration — Articles 4 and 5**

Section 4.4 (Planned Developments) and Article 5 (Planned Development Standards) must be amended to incorporate the PD/HI pathway language: a Data Center that qualifies for P\* treatment in the PD/HI column of Table 1 and meets all Table 2 standards is a permitted use without further PD amendment, PD modification, or additional PD approval process. The Table 2 standards are the sole use-specific standards applicable to such a use. A Data Center designated C in the PD/HI column requires conditional use review under Section 4.3 but not a full PD amendment under Section 4.4. The HI future land use designation satisfies the Master Plan consistency finding under Section 4.4.G.

## XVI. Proposed Ordinance Language

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The following presents the core proposed CZO amendment language. This language is drafted for CPC staff review and is subject to revision by the city attorney to conform to the CZO's drafting conventions. A complete redline of existing affected CZO provisions is provided in Appendix D.

### A. Operative Cross-Reference Provision (Article 20, Section 20.3.[X])

**“Data Center Uses — Applicability of Standards.** Any Data Center use in any zoning district where such use is permitted or conditionally permitted under Table 16-[X] (Data Center Use Table) shall comply with the applicable standards established in Table 20-[X] (Data Center Performance and Siting Standards Matrix). At the P\* (Permitted Subject to Performance Standards) tier, compliance with all applicable standards of Table 20-[X] shall constitute sufficient basis for administrative approval, and no further discretionary action by the City Planning Commission or City Council shall be required. At the Conditional Use tier, the standards of Table 20-[X] are the minimum requirements applicable to all approvals; the City Planning Commission and City Council may impose additional conditions consistent with Section 4.3, but shall not deny an application on grounds not established in Table 20-[X].”

### B. Compatibility Clause (Article 20, Section 20.3.[X])

**“Compatibility Standard.** A Data Center that complies with all applicable standards of Table 20-[X] shall be deemed compatible with surrounding uses and consistent with the Comprehensive Plan for purposes of any approval, finding, or determination required under this Ordinance. Denial of any application for a Data Center shall be supported by specific written findings of noncompliance with the objective standards of Table 20-[X]. Denial based solely on the general character, aesthetics, or perceived incompatibility of the data center use with surrounding uses, in the absence of specific findings of noncompliance with Table 20-[X] standards, shall not be a valid basis for denial.”

### C. Electrical Infrastructure and Utility Coordination (Article 20, Section 20.3.[X])

The full electrical infrastructure and utility coordination provision is set forth in Section XII of this white paper (and in the corresponding Article 20 ordinance section). That provision, comprising Subsections A through J, establishes that: the electric utility is the sole authority for infrastructure adequacy determinations; any one of the documentation forms listed in Section XII.C satisfies the infrastructure completeness requirement; no application may be denied on the basis of electrical capacity concerns where compliant documentation has been submitted; and final utility approvals are not required prior to zoning approval. The ordinance language for this provision should be drawn verbatim from Section XII of this white paper and incorporated into Article 20 as a new subsection applicable to all data center uses.

### D. PD Integration Language (Article 4, Section 4.4; Article 5)

**“Planned Development Districts with HI Future Land Use Designation.** Any Planned Development district carrying a Heavy Industrial (HI) future land use designation on the Official Future Land Use Map shall be eligible for data center uses in accordance with the PD/HI column of Table 16-[X], subject to compliance with all applicable standards of Table 20-[X]. A Data Center that qualifies as P\* in the PD/HI column of Table 16-[X] and meets all applicable

standards of Table 20-[X] shall be treated as a permitted use within such Planned Development district without further PD amendment, PD modification, or additional PD approval process. The Table 20-[X] performance standards shall constitute the sole use-specific standards applicable to such Data Center. A Data Center designated C in the PD/HI column of Table 16-[X] shall require conditional use review under Section 4.3 but shall not require a full PD amendment under Section 4.4. The HI future land use designation of a PD district shall satisfy the Master Plan consistency finding required under Section 4.4.G for data center uses.”

## **XVII. Conclusion**

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The question before the City Planning Commission is not whether data centers belong in New Orleans. The question is where they land, under what conditions, and on whose terms.

The framework proposed in this white paper answers that question with specificity and with the community’s interests at its center. Data centers belong on heavy industrial land, near existing utility infrastructure, on previously degraded sites that have been liabilities for too long, and at a meaningful distance from the residential neighborhoods that define New Orleans East and the other communities this framework is designed to protect. They do not belong on Read Boulevard. They do not belong in residential neighborhoods. Large and Hyperscale facilities do not belong in commercial corridors or historic districts, and even smaller facilities in commercial districts must satisfy the full conditional use process before the Council. The use table in Table 1 reflects those judgments with precision.

Where data centers do belong — on appropriate sites that meet the objective siting criteria — the performance matrix in Table 2 ensures that their approval is conditioned on meeting standards that protect communities in measurable, verifiable, and enforceable ways. The noise from a compliant facility will not exceed specified decibel levels. The cooling system will be closed-loop or subject to documented justification. The setbacks will buffer residential neighbors. The fencing and landscaping standards will reduce visual impact. The construction will follow designated routes. These are not aspirational goals. They are legal conditions of approval, enforceable through the city’s permitting and code enforcement authority.

Where data centers are proposed for sites that do not meet the siting criteria — where the community’s exposure is greater, the infrastructure context is weaker, and the compatibility concerns are more serious — the conditional use process provides the full weight of community engagement, CPC deliberation, and council oversight that the situation warrants. That process is not a barrier to development. It is the mechanism through which the community’s voice shapes the outcome.

New Orleans has a narrow window, defined by the moratorium, to establish this framework on its own terms. The alternative is a regulatory vacuum that invites the next MS Solar Grid Data — or a more sophisticated developer with better legal counsel and deeper resources — to arrive with a project the city has no tools to evaluate, no standards to impose, and no principled basis to deny. That is not protection. That is exposure. This framework is the protection.

## Appendices

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**Appendix A:** Full text of M-26-62 and M-26-63

**Appendix B:** Relevant CZO provisions — Sections 4.3, 4.4, 5.2, 5.9, Article 16, Article 19, Article 26

**Appendix C:** Comparison Ordinances — PennFuture Model Data Center Ordinance, Loudoun County Zoning Ordinance (Data Center Standards), DeKalb County Zoning Ordinance (Data Center Regulations)

**Appendix D:** Proposed CZO Amendment — Redline of Existing Provisions, Articles 4, 5, 9–17, 20, and 26

## Appendix A

Motions M-26-62

[https://cityofno.granicus.com/MetaViewer.php?event\\_id=24823&meta\\_id=774936&view\\_id=](https://cityofno.granicus.com/MetaViewer.php?event_id=24823&meta_id=774936&view_id=)

M-26-63

[https://cityofno.granicus.com/MetaViewer.php?event\\_id=24823&meta\\_id=774938&view\\_id=](https://cityofno.granicus.com/MetaViewer.php?event_id=24823&meta_id=774938&view_id=)

## Appendix B

### New Orleans CZO Sections

#### Main CZO Portal

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- <https://czo.nola.gov/>

#### Section 4.3 — Conditional Use

- <https://czo.nola.gov/article-4/#4-3>

#### ***Section 4.4 — Planned Development***

- <https://czo.nola.gov/article-4/#4-4>

#### ***Section 5.2 — General Development Standards***

- <https://czo.nola.gov/article-5/#5-2>

#### ***Section 5.9 — Landscaping / Buffers***

- <https://czo.nola.gov/article-5/#5-9>

#### Article 16 — Centers for Industry

- <https://czo.nola.gov/article-16/>

#### ***Article 19 — Nonconformities & Interim Zoning Districts***

- <https://czo.nola.gov/article-19/>

#### ***Article 26 — Definitions***

- <https://czo.nola.gov/article-26/>

## Appendix C

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1. PennFuture

[https://www.pennfuture.org/Files/Admin/PennFuture\\_Model\\_Data\\_Center\\_Ordinance.pdf](https://www.pennfuture.org/Files/Admin/PennFuture_Model_Data_Center_Ordinance.pdf)

2. Loudoun County Zoning Ordinance (Data Centers)

<https://www.loudoun.gov/1483/Zoning-Ordinance>

3. DeKalb County Zoning Ordinance (Data Centers)

[https://ehq-production-us-california.s3.us-west-1.amazonaws.com/31d3cfa4c57b11b83f59cc5fc8144a9bdf4127b9/original/1769118066/8be0230b5bb241b8448b32d6bcfb679a\\_CLEAN%20TA-25-1247647%202025-0972%20Data%20Centers%201.22.26.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIPIQP5NM%2F20260407%2Fus-west-1%2Fs3%2Faws4\\_request&X-Amz-Date=20260407T215128Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=c59e46c315233f5523a846843c5331e4302738253ee64c0c27b4696da2ebb014](https://ehq-production-us-california.s3.us-west-1.amazonaws.com/31d3cfa4c57b11b83f59cc5fc8144a9bdf4127b9/original/1769118066/8be0230b5bb241b8448b32d6bcfb679a_CLEAN%20TA-25-1247647%202025-0972%20Data%20Centers%201.22.26.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIPIQP5NM%2F20260407%2Fus-west-1%2Fs3%2Faws4_request&X-Amz-Date=20260407T215128Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=c59e46c315233f5523a846843c5331e4302738253ee64c0c27b4696da2ebb014)

## Appendix D

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**PROPOSED CZO AMENDMENT**  
Redline of Existing Provisions

Articles 4, 5, 9–17, 20, and 26

Comprehensive Zoning Ordinance  
City of New Orleans

*Prepared by Stay Ready NOLA, Inc.*  
*In Response to Motions M-26-62 and M-26-63*  
*April 7, 2026*

**DRAFT**

## REDLINE CONVENTIONS

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This document presents proposed amendments to the Comprehensive Zoning Ordinance (Ordinance No. 4264 M.C.S.) to establish a regulatory framework for data center uses. The following conventions are used throughout:

Red underlined text indicates new language to be added.

~~Red strikethrough text~~ indicates existing language to be deleted.

*[Blue italic text in brackets indicates drafting notes and comments.]*

Existing CZO text that is not modified is shown in standard black type. Only the portions of each article that require amendment are reproduced here; all other provisions of the cited articles remain in full force and effect.

## ARTICLE 26. DEFINITIONS

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*[Drafting Note: The following definitions are to be inserted in alphabetical order within Article 26. Existing definitions are not modified.]*

### **New Definitions — To Be Inserted Alphabetically**

**Crypto Mining Facility.** A facility in which computing hardware is operated primarily for the purpose of cryptocurrency mining, blockchain validation, or similar distributed-ledger computational processes. A Crypto Mining Facility shall be classified for purposes of this Ordinance according to the applicable Data Center tier based on its total electrical load (MW), and shall be subject to all standards applicable to that tier under Tables 16-[X] and 20-[X]. A Crypto Mining Facility is a conditional use (C) in HI and PD/HI districts only, regardless of tier.

**Data Center.** A facility or group of facilities designed and used primarily for the housing, operation, and maintenance of computer servers, network infrastructure, data storage systems, and associated mechanical, electrical, and cooling equipment for the purpose of processing, storing, managing, or distributing data. The term includes co-location facilities, enterprise data centers, cloud computing facilities, and AI training campuses, but does not include server rooms or telecommunications equipment rooms accessory to a primary non-data-center use and occupying less than 2,000 square feet.

**Data Center, Accessory.** A Data Center use occupying 2,000 square feet or less of floor area within a building whose primary use is not a Data Center. An Accessory Data Center is classified as an accessory use and is not subject to the Data Center use standards of this Ordinance.

**Data Center, Hyperscale.** A Data Center exceeding 500,000 square feet of gross floor area OR exceeding 150 megawatts (MW) of total electrical load. A dedicated on-site substation is required. A facility meeting either threshold is classified as Hyperscale regardless of whether it meets the other. Hyperscale Data Centers are conditional uses (C) only and require a minimum parcel size of 50 acres and direct access to a principal arterial roadway.

**Data Center, Large.** A Data Center with gross floor area exceeding 250,000 square feet up to and including 500,000 square feet, OR a total electrical load exceeding 50 megawatts (MW) up to and including 150 MW. A facility meeting either threshold is classified as Large regardless of whether it meets the other.

**Data Center, Medium.** A Data Center with gross floor area of 20,000 to 250,000 square feet OR a total electrical load of 5 to 50 megawatts (MW). A facility meeting either threshold is classified as Medium. Classification is governed by the highest applicable threshold; a facility exceeding either the square footage or electrical load range for Medium is classified at the next higher applicable tier.

**Data Center, Minor.** A Data Center with gross floor area under 20,000 square feet AND a total electrical load under 5 megawatts (MW). Both thresholds must be met for classification as Minor; a facility exceeding either threshold is classified at the next higher applicable tier.

**Permitted Subject to Performance Standards (P\*).** A use designation under which a Data Center is approved administratively by the Department of Safety and Permits upon demonstrated compliance with all applicable standards of Table 20-[X] (Data Center Performance and Siting Standards Matrix), without public hearing, City Planning Commission review, or City Council action. P\* approval is ministerial; no discretionary findings are required. See Section 20.3.[X].

**Server Farm.** A facility primarily consisting of high-density computing equipment operated for batch processing, rendering, scientific computation, or similar intensive computing operations, which is not primarily a Data Center as defined herein but which has comparable infrastructure and utility demands. A Server Farm shall be classified according to the applicable Data Center tier based on its total electrical load (MW), and shall be subject to all standards applicable to that tier under Tables 16-[X] and 20-[X]. A Server Farm is a conditional use (C) in HI and PD/HI districts only, regardless of tier.

## ARTICLE 16. CENTERS FOR INDUSTRY

### Section 16.2 — Uses

*[Drafting Note: The following new use categories are to be added to the Table 16-1 Use Table for Centers for Industry Districts. The existing use table format is preserved. A new column “PD w/ HI Future Land Use” is added to the right of the existing MI column. The P\* designation is new to the CZO and is defined in Article 26.]*

#### **Amendments to Table 16-1: Use Table**

The following use categories are added to Table 16-1 under a new use group heading “Data Center Uses”:

Use Category	LI	HI	MI	BIP	PD w/ HI FLU
Data Center, Minor (<20,000 sf AND <5 MW)	P*	P*	P*	—	P*
Data Center, Medium (20,000–250,000 sf OR 5–50 MW)	C	P*	—	—	P*
Data Center, Large (>250,000–500,000 sf OR 50–150 MW)	—	P*	—	—	P*
Data Center, Hyperscale (>500,000 sf OR >150 MW)	—	C	—	—	C
Server Farm / Crypto Mining Facility (classified per MW tier)	—	C	—	—	C

P\* = Permitted Subject to Performance Standards (Table 20-[X]): administrative approval upon verified compliance with all applicable standards. No public hearing required. C = Conditional Use per Section 4.3. — = Prohibited.

Use Standards Reference: All Data Center uses listed above shall comply with the applicable standards of Section 20.3.[X] (Data Center Performance and Siting Standards Matrix).

## ARTICLES 9–15. RESIDENTIAL AND NEIGHBORHOOD DISTRICTS

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*[Drafting Note: The following note is to be added to the use table or general provisions of each residential district article (Articles 9 through 15). The language is identical for each article.]*

### Article 9 — Historic Core Neighborhoods Residential Districts

Data Center Uses. Data Centers of any tier, Server Farms, and Crypto Mining Facilities, as defined in Article 26, are prohibited uses in all Historic Core Neighborhoods Residential Districts. No conditional use, variance, or planned development mechanism shall authorize any such use in these districts. See Table 16-[X].

### Article 10 — Historic Core Neighborhoods Non-Residential Districts

Data Center Uses. Data Centers classified as Minor (<20,000 sf AND <5 MW) or Medium (20,000–250,000 sf OR 5–50 MW) are conditional uses (C) in Historic Core Neighborhoods Non-Residential Districts, subject to Section 4.3 and all applicable standards of Section 20.3.[X]. Data Centers classified as Large, Hyperscale, Server Farms, and Crypto Mining Facilities are prohibited in these districts. See Table 16-[X].

*[Drafting Note: Minor and Medium data centers are conditional uses (C) in commercial districts, consistent with the body text and Table 1 of the white paper.]*

### Article 11 — Historic Urban Neighborhoods Residential Districts

Data Center Uses. Data Centers of any tier, Server Farms, and Crypto Mining Facilities, as defined in Article 26, are prohibited uses in all Historic Urban Neighborhoods Residential Districts. No conditional use, variance, or planned development mechanism shall authorize any such use in these districts.

### Article 12 — Historic Urban Neighborhoods Non-Residential Districts

Data Center Uses. Data Centers classified as Minor (<20,000 sf AND <5 MW) or Medium (20,000–250,000 sf OR 5–50 MW) are conditional uses (C) in Historic Urban Neighborhoods Non-Residential Districts, subject to Section 4.3 and all applicable standards of Section 20.3.[X]. Data Centers classified as Large, Hyperscale, Server Farms, and Crypto Mining Facilities are prohibited in these districts.

### Article 13 — Suburban Neighborhoods Residential Districts

Data Center Uses. Data Centers of any tier, Server Farms, and Crypto Mining Facilities, as defined in Article 26, are prohibited uses in all Suburban Neighborhoods Residential Districts. No conditional use, variance, or planned development mechanism shall authorize any such use in these districts.

### Article 14 — Suburban Neighborhoods Non-Residential Districts

Data Center Uses. Data Centers classified as Minor (<20,000 sf AND <5 MW) or Medium (20,000–250,000 sf OR 5–50 MW) are conditional uses (C) in Suburban Neighborhoods Non-Residential Districts, subject to Section 4.3 and all applicable standards of Section 20.3.[X]. Data Centers classified as Large, Hyperscale, Server Farms, and Crypto Mining Facilities are prohibited in these districts.

### Article 15 — Commercial Center and Institutional Campus Districts

Data Center Uses. Data Centers classified as Minor (<20,000 sf AND <5 MW) or Medium (20,000–250,000 sf OR 5–50 MW) are conditional uses (C) in Commercial Center and Institutional Campus Districts, subject to Section 4.3 and all applicable standards of Section 20.3.[X]. Data Centers classified as Large, Hyperscale, Server Farms, and Crypto Mining Facilities are prohibited in these districts. No data center of any tier is permitted by right or by P\* status in any Commercial Center or Institutional Campus District.

## **Article 17 — Central Business Districts and Mixed-Use Districts**

Data Center Uses. Data Centers classified as Minor (<20,000 sf AND <5 MW) or Medium (20,000–250,000 sf OR 5–50 MW) are conditional uses (C) in Central Business Districts and Mixed-Use Districts, subject to Section 4.3 and all applicable standards of Section 20.3.[X]. Data Centers classified as Large, Hyperscale, Server Farms, and Crypto Mining Facilities are prohibited in these districts. No data center of any tier is permitted by right or by P\* status in any Central Business District or Mixed-Use District.

## ARTICLE 20. USE STANDARDS

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### New Section 20.3.[X] — Data Centers

*[Drafting Note: A new Section 20.3.[X] is added to Article 20. The section number will be determined by the City Attorney based on alphabetical placement within Article 20.3. All text below is new.]*

#### **20.3.[X].1 — Purpose and Applicability**

This Section establishes use-specific standards for Data Center uses as defined in Article 26. The standards of this Section apply to all Data Center uses in all zoning districts where such uses are permitted or conditionally permitted under Table 16-[X]. The purpose of these standards is to ensure that Data Center development is compatible with surrounding land uses, protective of residential neighborhoods and sensitive receptors, and consistent with the infrastructure capacity of the areas in which such facilities are located.

#### **20.3.[X].2 — Data Center Uses — Applicability of Standards**

Any Data Center use in any zoning district where such use is permitted or conditionally permitted under Table 16-[X] (Data Center Use Table) shall comply with the applicable standards established in Table 20-[X] (Data Center Performance and Siting Standards Matrix). At the P\* (Permitted Subject to Performance Standards) tier, compliance with all applicable standards of Table 20-[X] shall constitute sufficient basis for administrative approval, and no further discretionary action by the City Planning Commission or City Council shall be required. At the Conditional Use tier, the standards of Table 20-[X] are the minimum requirements applicable to all approvals; the City Planning Commission and City Council may impose additional conditions consistent with Section 4.3, but shall not deny an application on grounds not established in Table 20-[X].

#### **20.3.[X].3 — Compatibility Standard**

A Data Center that complies with all applicable standards of Table 20-[X], including the applicable Category A or Category B standards based on the receiving environment determination, shall be deemed compatible with surrounding uses and consistent with the Comprehensive Plan for purposes of any approval, finding, or determination required under this Ordinance. Denial of any application for a Data Center shall be supported by specific written findings of noncompliance with the objective standards of Table 20-[X]. Denial based solely on the general character, aesthetics, or perceived incompatibility of the data center use with surrounding uses, in the absence of specific findings of noncompliance with Table 20-[X] standards, shall not be a valid basis for denial.

#### **20.3.[X].4 — Receiving Environment Categories**

Standards in Table 20-[X] vary based on the receiving environment of the subject property. Category A (Industrial Context) applies where the subject property is located in an HI, MI, LI, or PD/HI district AND no residentially zoned parcel, school, licensed childcare facility, elder care facility, hospital, place of worship, or public park is within the applicable setback distance established in Table 20-[X]. Category B (Proximity Context) applies where at least one such sensitive receptor is within the applicable setback distance. The applicant shall submit a Receiving Environment Determination as part of the application, identifying the applicable category and the basis for the determination.

#### **20.3.[X].5 — Table 20-[X]: Data Center Performance and Siting Standards Matrix**

[Table 20-[X] is incorporated here by reference. The content of Table 20-[X] shall be as established in Table 2 of the Stay Ready NOLA white paper, “A Siting and Regulatory Framework for Data Centers in New Orleans,” dated April 7, 2026, subject to technical refinement of specific numerical thresholds by the CPC during the moratorium period, in coordination with Entergy New Orleans, the Sewerage and Water Board, and other relevant technical agencies.]

#### **20.3.[X].6 — Electrical Infrastructure and Utility Coordination**

(A) Purpose. The purpose of this Subsection is to ensure that determinations regarding electrical service availability, system capacity, and interconnection requirements for Data Centers are made by the electric utility

with jurisdiction, and not by the City, in recognition of the technical expertise and regulatory authority of such utility.

(B) Application Completeness Requirement. An application for a Data Center shall be deemed complete upon submission of documentation from the electric utility demonstrating one of the following: (1) service availability for the proposed load; (2) interconnection feasibility; or (3) acceptance into a utility interconnection or service request process.

(C) Acceptable Forms of Utility Documentation. Documentation sufficient to satisfy the requirements of this Subsection shall include any of the following issued by the electric utility: (1) a service availability letter; (2) an interconnection feasibility study or system impact study; (3) a facilities study or executed service agreement; (4) written confirmation of capacity at the requested load level; or (5) written acknowledgment of a pending interconnection or service request.

(D) Utility Determination Controlling. Demonstration of service availability or interconnection feasibility from the electric utility shall satisfy all requirements of this Ordinance related to electrical infrastructure adequacy.

(E) Limitation on City Review. The City shall not require or conduct independent engineering analysis of: (1) electrical system capacity; (2) transmission or distribution constraints; (3) interconnection feasibility; or (4) required system upgrades, where documentation from the electric utility has been submitted in accordance with this Subsection.

(F) No Denial Based on Electrical Capacity. A Data Center application shall not be denied on the basis of electrical infrastructure capacity, system impacts, or potential utility upgrades where the applicant has provided documentation satisfying paragraphs (B) and (C). Generalized concerns regarding grid capacity or system reliability shall not constitute grounds for denial. The community's protection on grid-related questions is provided through the City Council's regulatory authority over Entergy New Orleans via the Council Utilities Regulatory Office, not through the land use process.

(G) Timing. Final interconnection approval, execution of service agreements, or completion of utility upgrades shall not be required prior to zoning approval, conditional use approval, or Planned Development approval. Nothing in this Subsection relieves the applicant of the obligation to obtain all required utility approvals prior to construction or operation.

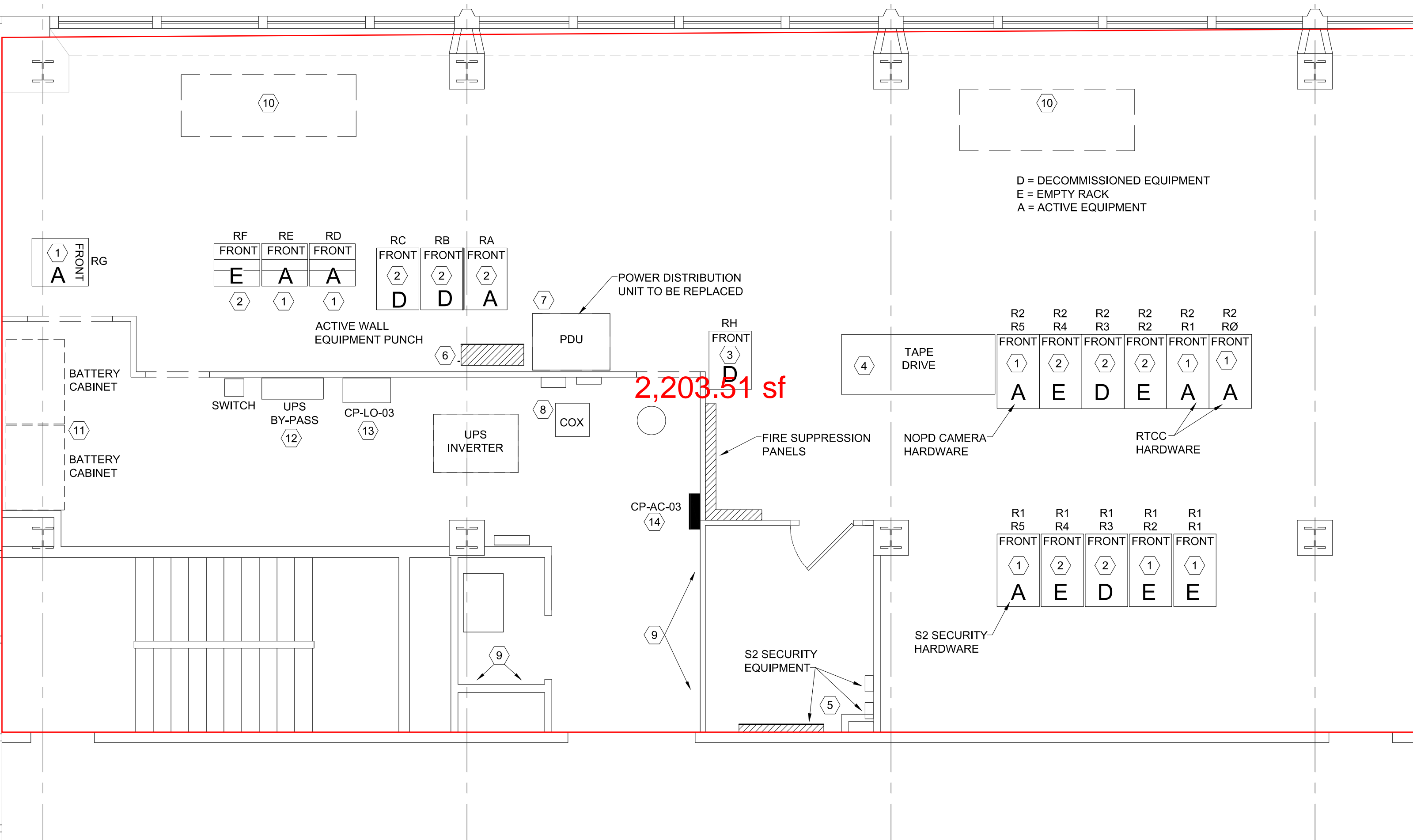
(H) Relationship to Performance Standards. Nothing in this Subsection limits the City's authority to regulate noise, setbacks, buffering, screening, design, environmental impacts, or other performance standards unrelated to electrical infrastructure capacity.

### **20.3.[X].7 — Compliance Certification**

No application for a Data Center use shall be deemed complete unless accompanied by a Compliance Certification: a written certification, signed and sealed by a licensed Professional Engineer (PE) or Registered Architect (RA) licensed in the State of Louisiana, attesting that the proposed Data Center, as documented in the accompanying application materials, will satisfy all applicable standards of Table 20-[X] for the applicable tier and receiving environment category. The certification shall identify each applicable standard, state the basis for compliance, and cross-reference the supporting documentation submitted with the application. Submission of a false or materially inaccurate certification shall constitute grounds for revocation of any approval issued in reliance on it. A separate post-construction Compliance Certification by a licensed PE or RA shall be submitted within 60 days of the commencement of operations for Data Centers above the Medium tier.

### **20.3.[X].8 — Constrained Denial Standard**

Denial of a P\* application or a conditional use application for a Data Center shall be supported by specific written findings identifying: (a) the specific standard or standards of Table 20-[X] with which the application fails to comply; (b) the nature of the deficiency; and (c) the factual basis for the determination. General findings of incompatibility, character inconsistency, or neighborhood opposition, without reference to specific standards of Table 20-[X], shall not constitute sufficient grounds for denial.



1 THIRD LEVEL PLAN COMPUTER ROOM - DEMOLITION  
E103A SCALE: 1/4" = 1'-0"

## ARTICLE 4. PERMITS AND APPROVALS

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### Section 4.3 — Conditional Uses

*[Drafting Note: No structural changes to Section 4.3 are required. The existing conditional use process applies to all Data Center uses designated “C” in Table 16-[X]. The following cross-reference is added to Section 4.3.F (Approval Standards).]*

#### ***Amendment to Section 4.3.F — Approval Standards***

Existing text of Section 4.3.F remains unchanged. The following subsection is added:

4.3.F.[X] Data Center Uses. For conditional use applications involving Data Center uses as defined in Article 26, the approval standards of this Section shall be applied in conjunction with the use-specific standards of Section 20.3.[X]. The standards of Table 20-[X] are the minimum requirements applicable to all Data Center conditional use approvals. The City Planning Commission and City Council may impose additional conditions consistent with this Section, but denial shall be supported by specific written findings of noncompliance with the objective standards of Table 20-[X] as required by Section 20.3.[X].8.

### Section 4.4 — Planned Developments

*[Drafting Note: The following new subsection is added to Section 4.4 to address Data Center uses in PD districts with HI future land use designation.]*

#### ***New Subsection 4.4.[X] — Data Center Uses in Planned Development Districts***

4.4.[X] Planned Development Districts with HI Future Land Use Designation. Any Planned Development district carrying a Heavy Industrial (HI) future land use designation on the Official Future Land Use Map shall be eligible for Data Center uses in accordance with the PD/HI column of Table 16-[X], subject to compliance with all applicable standards of Table 20-[X].

(A) P\* Treatment. A Data Center that qualifies as P\* in the PD/HI column of Table 16-[X] and meets all applicable standards of Table 20-[X] shall be treated as a permitted use within such Planned Development district without further PD amendment, PD modification, or additional PD approval process. The Table 20-[X] performance standards shall constitute the sole use-specific standards applicable to such Data Center.

(B) Conditional Use Treatment. A Data Center designated C in the PD/HI column of Table 16-[X] shall require conditional use review under Section 4.3 but shall not require a full PD amendment under this Section 4.4.

(C) Master Plan Consistency. The HI future land use designation of a PD district shall satisfy the Master Plan consistency finding required under Section 4.4.G for Data Center uses.

(D) Infrastructure Finding. Compliance with Table 20-[X] and the utility documentation requirements of Section 20.3.[X].6 shall satisfy any requirement that adequate infrastructure or utilities be demonstrated as part of the approval findings under Section 4.4.G.

GENERAL MATTERS & COMMITTEE SPEAKER CARD

(please print clearly)

Date: 4/28/20

Presiding Officer:

I would like to speak regarding the following item...

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

Support

Oppose

Info. Only

037/26

5

Name:

Ahmed Jabbar

Address:

4999 Burgundy

Representing:

Party for Socialism & Liberation

Remarks:

Comment

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance

# City Planning Commission Speaker Card

Date: 09/25/20  
I would like to speak regarding CPC Docket: 475

## INFORMATION ONLY

Name: Ose Adun  
Address: 9217 Apple St. Sacramento

- I am the applicant for this docket
- I'd like to cede my time to: \_\_\_\_\_

I hereby affirm that the written or oral statements I give before the City Planning Commission will be true and correct. By ascribing my signature below, I acknowledge all information presented is of my own volition and true and correct to the best of my knowledge.

- Please check if you are a paid representative or receiving any type of compensation or thing of value in exchange for speaking or attending today.

Signature of Speaker: Ose Adun

### GENERAL MATTERS & COMMITTEE SPEAKER CARD

(please print clearly) Date: 9/28/24

Presiding Officer:  
I would like to speak regarding the following item...

5

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

037/26

Support      Oppose      Info. Only

Name: Hilcan Spencer  
Address: 1534 St. Louis Ave  
Representing: Louisiana PSL  
Remarks: Comment

(Please see speaker time rules on reverse of card)  
Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance