

conservation easement, restrictive covenant, and/or similar legal arrangement, which shall expressly authorize enforcement by Bayfield County. Open space shall be within the boundaries of the lot(s) to be developed except as provided in **Subsection 13-1-29A b(5)(a)** of this Ordinance.

- (H) No use shall be allowed in a Conservation Subdivision that is not specifically allowed in the zoning district in which the Conservation Subdivision is located.
- (I) Conservation Subdivisions shall not be allowed in A-2, or F-2 zoning districts and Conservation Subdivisions requesting more than three lots shall not be allowed in A-1 or F-1 zoning districts. More than three lots in an A-1 or F-1 zoning district shall require a rezone.
- (J) If a Conservation Subdivision is to be located in more than one zoning district, each portion of the subdivision shall be subject to the area requirements of the zoning district in which it is to be located.

Sec. 13-1-24 Data Centers

- (A) Permits. A conditional use permit (**see Section 13-1-41**) and an Environmental Impact Analysis (**see Section 13-1-42**) shall be required to establish a data center.
- (B) Data centers shall not exceed a maximum of **450,000** square feet.
- (C) Data centers shall be set back a minimum of **200** feet from the lot line of adjacent property used or zoned for residential use.
- (D) Noise
 - (1) The data center operator must schedule and attend two public meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design.
 - (a) Notice must be provided to all residents and homeowners associations with a half-mile radius of the project site.
 - (b) The meetings must be attended by a representative of the developer or owner with decision-making authority on the project design.
 - (2) A noise study shall be submitted by a third-party engineer demonstrating that the operation of the data center, including all mechanical equipment and similar noise sources within will reduce sound levels emanating from the Data Center (as determined by a third-party acoustic engineer) from exceeding the ambient noise levels that were observed from the baseline study.
 - (a) The operator shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Director.
 - (b) The initial noise study (Section 154.223(B)(2)) must be completed and results provided to the County prior to the first public meeting. The study shall include information about the design specifications for proposed sound mitigation.
 - (3) Upon operation of the data center, the operator must conduct an additional noise study, as measured at the property line of the nearest property to the data

center or other noise sensitive use as reasonably determined by the Zoning Administrator.

- (4) The County may order an additional sound study once per year during peak operation of the data center mechanical equipment. The data center operator must provide the results of the noise study, conducted by a third-party engineer, to the County within 30 days of the request by the County or show proof that they have contracted with a third-party engineer and the results will be available in a reasonable amount of time.
 - (5) Unless backup generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding federal holidays. Curtailment of power supply or voluntary shutdown of power is not considered to be a power outage.
 - (6) After issuance of a certificate of occupancy and commencement of the operation of the data center, the operator of a data center must provide a liaison between the hours of 7:00 am and 10:00 pm CST each day to respond to complaints about noise emanating from the data center.
- (E) Hazardous Waste Plan
- (1) The operator shall submit a hazardous waste plan.
 - (2) Verification must be provided that all electronic waste generated by the operation will be handled by a licensed electronic waste recycling firm.
 - (3) Changes to the operation of the facility that affect hazardous waste material must be approved by the Zoning Administrator.
- (F) Water and Wastewater Plan
- (1) The applicant shall submit a water and wastewater plan for review and approval by Bayfield County.
 - (2) This plan shall describe all proposed physical infrastructure for water and wastewater management, estimates of the preferred and minimum required water usage, and describe best practices used for water conservation and efficiency including reuse.
 - (3) Data centers are encouraged to utilize water reuse and grey water systems in their design and operation.
- (G) Energy Plan
- (1) The applicant shall submit an energy plan containing the following elements for review and approval:
 - (a) Proposed loads over one megawatt in capacity will be responsible for having a system impact study completed by the appropriate power transmitter owner/operator in the area.
 - (2) Planned location of underground or overhead electric lines connecting the data center to a substation or other electric load, and a description of the method of connection.
 - (3) A contractual agreement from a local utility company that affirms its capacity and commitment to serve the energy demand for the proposed data center.
- (H) Screening & Landscaping
- (1) Outdoor equipment that serves the data center, including but not limited to mechanical equipment and generators, must not be located closer to a property

line along a public right-of-way than the principal building and must be fully screened from view of adjacent public rights-of-way and properties.

- (2) For data centers on property adjacent to any property used or zoned for residential use, any mechanical equipment must be screened on all four sides by an acoustical barrier.
 - (a) For the purpose of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.
- (3) Screening elements shall be designed to blend with the architectural style, materials and color of the principal building.

Sec. 13-1-25 Duplexes

Sec. 13-1-26 Electric Vehicle Charging Station (EVCS)

- (A) No Electric Vehicle Charging Station (EVCS) or related infrastructure shall be placed within the public right-of-way unless explicitly approved by the County.
- (B) Mounted EVCS shall be mounted to an adjacent pedestal, wall, or similar structure. Free standing EVCS shall be protected by bollards or structures.
- (C) EVCS must be installed per manufacturer specification and must comply with all applicable building codes and relevant ADA requirements.
- (D) Maintenance. EVCS shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it. EVCS shall be removed if no longer in service.

Sec. 13-1-27 Home Occupations

- (A) Introduction. Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The Home Occupation regulations of the Bayfield County Zoning Ordinance are intended to permit residents to engage in certain Home Occupations while ensuring that such Home Occupations will not be a detriment to the character and livability of the surrounding area. It is important to note that Home Occupations are different from Home-Based Businesses. The activities associated with Home-Based Businesses generally have more traffic and potential for land use conflict than a Home Occupation. A Home-Based Business requires the approval of a Class A Special Use Permit by the Bayfield County Planning and Zoning Committee.
- (B) Purpose. The purpose of this section is to provide limited and reasonable accommodation for the owner or tenant of a residence to engage in an occupation within their residence without the necessity of obtaining additional permitting while also balancing the interests of the residential users. Bayfield County establishes, by ordinance, certain home occupations that are allowed provided the occupation is conducted by a resident of the home and there are not more than four patrons per visitation nor more than six visitations per day. Uses that are not identified as Home Occupations under this section may be conducted, if allowed, upon the issuance of a permit in accordance with [Section 13-1-62](#).