

Amendment to SB 439

1 Amend the bill by replacing section 1 with the following:

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3 1 New Subdivision; Data Centers. Amend RSA 674 by inserting after section 80 the following
4 new subdivision:

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Data Centers

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674:81 Definition. In this subdivision, “data center” means a facility used primarily for the
7 storage, processing, management, and transmission of digital data. “Data center” does not include:

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I. Embedded or accessory computing uses within larger facilities, meaning a computing
9 operation that meets all of the following conditions:

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(a) Occupies not more than 25 percent of the gross floor area of all on-site buildings or
11 portions thereof attributable to such use;

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(b) Is used to serve the enterprise functions of the on-site property owner and is not
13 primarily engaged in providing services to third parties; and

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(c) Is not used to lease data services to third parties; or

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II. A facility owned or operated by a provider of telecommunications, broadband, Internet,
16 cable, or wireless services that primarily supports telecommunications network operations or
17 broadband Internet access services.

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674:82 Zoning Authority to Permit Data Centers.

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I. Data centers shall be a permitted use by right within zoning districts designated for
20 commercial or industrial use and subject to the provisions of local land use regulations.

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II. A municipality shall not adopt or enforce any ordinance, regulation, fee, or other
22 requirement that imposes restrictions on data centers more restrictive than those imposed on other
23 uses permitted within the same zoning district, except through ordinances of general applicability.

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III. Nothing in this section shall be construed to prohibit a data center from operating in any
25 zoning district where it is otherwise permitted by local zoning regulations in effect at the time of
26 application.

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674:83 Planning Board Regulations.

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The planning board may adopt regulations as necessary to implement this subdivision.

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AMENDED ANALYSIS

This bill defines data centers and authorizes them as permitted uses by right within zoning districts designated for commercial and industrial use, while prohibiting municipalities from imposing requirements on them that are more restrictive than those applied to other permitted uses in the same districts.