



25-LDC-0014

Planning Commission
Staff Report
July 25, 2026

Text Amendment to the Land Development Code – Data Center

Location: Louisville Metro
Applicant: Louisville Metro Government
Representative: n/a
Jurisdiction: Louisville Metro
Council District: All Council Districts
Case Manager: Joseph Haberman, AICP, Planning & Design Manager

REQUESTS & RECOMMENDED ACTIONS

1. Text Amendment to the Land Development Code (LDC) related to Data Centers
 - Staff finds the text amendment is in keeping with Plan 2040 and recommends that the Planning Commission **RECOMMEND** that the Louisville Metro Council and other legislative bodies with zoning authority **APPROVE** the text amendment presented in this report

CASE SUMMARY

The Louisville Metro Council passed a resolution on September 25, 2025 requesting that staff and the Planning Commission review the Land Development Code (LDC) and develop recommendations to improve the regulations for data centers.

Data centers are buildings that house computer hardware that stores and processes digital information. These facilities are needed for modern digital services and include infrastructure for power, cooling, and security.

Currently, data centers are not classified as a specific use in the LDC. Such facilities have been reviewed and approved as telecommunication hotels. This use is presently allowed in a single high intensity commercial zoning district (C-3) and standard industrial zones (M-1, M-2, M-3, C-M, EZ-1, PRO, and PEC). Data centers that are in accessory in nature can be permitted in any zoning district in accordance with the accessory use standards. In addition, “computer data centers” are listed as an acceptable activity for the underground space use, which is permitted with a conditional use permit in M-1, M-2, M-3, PEC, PRO, C-M, C-2, and EZ-1.

Reflecting extensive community feedback and designed to support responsible investment while protecting Louisville's long-term interests, the recommended regulations:

1. Prohibit future data centers exceeding 500,000 sq ft, while allowing smaller-scale facilities that support existing employers and business needs within the community to more appropriate areas based on their size;

2. Restrict data centers that are over 250,000 sq ft to industrial areas in the M-3 district with a conditional use permit;
3. Restrict data centers between 50,000 and 250,000 sq ft to industrial areas in the EZ-1, M-2, M-3, and PEC districts and subject to special standards; and
4. Only permit data centers that are less than 50,000 sq ft to manufacturing/ industrial areas in the C-M, EZ-1, M-1, M-2, M-3, PEC and PRO districts and subject to special standards (with an exception for telecommunication data centers in the C-3 district).

Additional proposed regulations:

- Protect utility customers by requiring evidence that new facilities will not shift any costs to existing ratepayers;
- Require the developer presenting the proposal to bear the cost of improvements to infrastructure if upgrades are required;
- Limit data center development to designated industrial areas;
- Require environmentally low-impact construction and site design practices;
- Require substantial separation from homes, schools, daycare facilities, nursing homes, hospitals, and other residential structures;
- Require a public hearing and conditional use permit for data centers that do not meet outlined exceptions for existing business operations;
- Establish noise standards and buffering requirements for generators and other equipment;
- Require the entity making the proposal to be transparent and disclose the company that would own and be using the proposed development; and
- If permitted by federal and state law, pay prevailing wages in connection with the project's construction.

Guided by feedback received by the public, governmental agencies, and other stakeholders, an initial draft of the recommended regulations was published on June 9, 2026. Subsequent to its publication, there was a 30-day public comment period for additional feedback. Following a review of the additional public feedback received during the public comment period, the draft was revised on July 23, 2026 in order to provide additional restrictions and safeguards addressing raised concerns. Changes to the June 9, 2026 draft:

- Expand the list of sensitive uses that must be separated from data centers to include nursing homes and hospitals, along with existing homes, childcare centers, and schools;
- Require larger-scale data centers (up to 500,000 sq ft) to be at least 500 feet away from sensitive uses, while requiring medium-scale data centers (50,000 – 250,000 sq ft) to be at least 200 feet away;
- Make the low-impact design standards clearer by connecting them to existing LDC rules, so they are easier to understand and apply;
- Tighten generator rules by allowing testing only once per week, only between 8 a.m. and 5 p.m., and making clear that regular generator use is only allowed during an emergency

- Clarify that gas turbines and co-located power plants are not allowed as part of a data center use (power plants may still be reviewed separately under existing zoning rules);
- Add a separate set of rules for telecommunication centers, since telecommunication providers are regulated by the FCC (including removal of the conditional use permit requirement for qualifying providers while keeping the 50,000 sq ft cap in areas zoned C-3)
- Add limits for accessory data centers to help prevent larger data centers from being created through a loophole - accessory data centers would be limited to the lesser of 25,000 sq ft or up to 49.9% of the total floor area; and
- Clarify that the prevailing wage requirement is only applicable if permitted by state and federal law.

The full text of this amendment is included as Attachment 1 at the end of this report.

TECHNICAL REVIEW

As data centers are currently permitted by right and do not require any local license or registration, the number of existing data centers is not tracked by any Louisville Metro Government agency. Further, there are limited resources to determine where such facilities are located. Datacentermap.com, an online resource that provides locations and information related to data centers, indicated that there were 23 data centers in Louisville as of July 23, 2026. Of the 23, only 13 appear to be currently in operation and within Louisville Metro (some are under development). For context, the site indicates that there are 4,556 data centers in the United States and 49 in Kentucky. However, it should be noted that this source does not include telecommunication and many private data centers (often accessory in nature and not publicly disclosed).

LDC Overview:

This use is presently allowed by right in C-3, M-1, M-2, M-3, C-M, EZ-1, PRO, and PEC as a telecommunication hotel. Data centers that are in accessory in nature can be permitted in any zoning district in accordance with the accessory use standards. In addition, “computer data centers” are listed as an acceptable activity for the underground space use, which is only permitted with a conditional use permit in M-1, M-2, M-3, PEC, PRO, C-M, C-2, and EZ-1.

Peer City/County Review:

Throughout the US, data center regulations vary widely. While several cities have adopted specific requirements that are intended to minimize adverse impacts and neighboring properties, other communities have minimal or no regulations. Staff met with city planners from several other municipalities to discuss their ordinances and approaches to data centers. In addition, staff reviewed adopted and draft ordinances that were developed recently to determine best practice approaches and concepts that could be incorporated into any local ordinance for Louisville Metro.

In general, many cities are currently updating their zoning ordinances to manage larger data centers and their impacts. While several larger cities that are similar in context to Louisville have adopted regulations that were intended to specially address modern data centers, including larger hyperscale centers, most cities have not adopted any specific regulations or are currently developing. In some form, current approaches tend to restrict data center developments to industrial zones, require special or conditional use permits, apply setback or separation requirements from nearby sensitive uses such as homes, and add provisions to limit noise. Some address electric and water usage; however, there are often concerns about whether it is appropriate to regulate utility usage within a zoning ordinance.

Public Engagement:

Following the passing of the Metro Council resolution on September 25, 2025, Office of Planning staff developed a public engagement plan to capture input and help guide the development of the staff recommendations. The plan was established to be more extensive than that required by law given the significant community interest in this issue.

- **Webpage:** To better distribute and publicize information, a dedicated webpage was established on Louisville Metro's website on October 15, 2025 - <https://louisvilleky.gov/government/office-planning/data-centers>. This webpage has been regularly updated to provide new information and updates on the process.
- **Community Meetings/Forums:** Prior to preparing the initial draft, five community forums were held at different locations throughout Louisville Metro: Locust Grove, October 28, 2025; Southwest Regional Library, October 29, 2025; South Central Regional Library, November 3, 2025; Parkland Library, November 4, 2025; and the Jeffersonian, November 12, 2025. In addition, a meeting for online participants was held on November 10, 2025. At these meetings, staff met directly with participants to obtain community input about how facilities should be permitted. Each meeting was well attended, generally having between 20 and 50 attendees.
- **Online Survey/Comment Form:** An online survey was open for submittal from October 28, 2025 to December 22, 2025. The survey included 17 questions including an option to provide comments. 3,590 surveys were completed, with 2,683 respondents also providing comments. The survey was open to any member of the public via a link to wufoo.com. Note: While the survey results were helpful to the process, it cannot be assumed that the results represent the opinions of the broader, general population (the methodology was not scientific - entries were not limited in any way and respondents chose to participate).
- **Online Comment Form:** As distributed to the Commission, comments are generally organized as pre-draft publication; comments received during the 30-day comment period for the initially published draft; and post 30-day public comment period. As of July 23, 2026, 4,166 comment forms had been received.

- **Email/Letter Communication:** Emails and letters were accepted, particularly in cases in which the interested parties wanted to provide attachments for consideration. As of July 23, 2026, 20 emails or letters had been submitted for the record. Some of the letters are from organizations representing a membership group, including but not limited to Greater Louisville Inc., the Kentucky Resources Council, Louisville Climate Action Network, and the Floyds Fork Environmental Association.
- **Public Hearings:** Only a single public hearing is required by state law. In variation to the typical process of a single public hearing downtown, the Commission has decided to hold a series of four public hearings at different locations in which attendees can comment on the regulations: July 27, 2026, JCTC Southwest Campus; August 5, 2026, University of Louisville Shelby Campus; August 6, 2026, online meeting; and August 10, 2026, Kentucky Center for African American Heritage.

As of the date of this report, the Office of Planning had received over 7,000 comments since the initial community meetings in late 2025.

STANDARD OF REVIEW FOR TEXT AMENDMENTS

Content of zoning regulations: *KRS 100.203*

Procedure for amending the text of regulation: *KRS Chapter 100.211*

STAFF ANALYSIS FOR TEXT AMENDMENT

The following is staff's analysis of the proposed amendment against the Guidelines and Policies of Plan 2040.

The amendment advances the following Goals, Objectives, and Policies of Plan 2040:

- **Community Form Goal 1:** Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.
- **Community Form Goal 1, Policy 8:** Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.
- **Community Form Goal 1, Policy 16:** Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.
- **Economic Development Goal 1:** Provide an economic climate that improves growth, innovation, investment and opportunity for all.

- **Economic Development Goal 1, Policy 1:** Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.

STAFF FINDING: The proposed requirements are designed to support responsible investment and development. The regulations shift away from the approach of permitting by right without any standards. Smaller data centers, accessory data centers, and telecommunication data centers, would be permitted only if special standards are met. Larger facilities, or smaller facilities that cannot meet the special standards, would only be permitted with a conditional use permit. Conditional use permits are decided upon on a case-by-case basis following a public hearing (and conditions of approval may be applied to mitigate any adverse impacts). Larger facilities with greater than 500,000 square feet of floor area would be prohibited. Facilities are only proposed to be allowed in form districts complementary to the scale and intensity of the proposed facility. This new approach is consistent with the goals, objectives, and policies of Plan 2040.

NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/14/2026	Planning Commission Public Hearing	Registered Neighborhood Groups for all Council Districts
7/20/2026	Planning Commission Public Hearing	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Proposed Text Amendments
2. Proposed Findings for the Planning Commission

1. Proposed Text Amendment

The Planning Commission must make a recommendation to Metro Council and the legislative bodies of cities with zoning authority to approve, approve with modifications, or deny the LDC text amendments. The proposed changes are presented as specific amendments to the Louisville Metro version of the LDC. The cities with zoning authority in Louisville Metro have different versions. If any of the cities consider incorporating the amendments into its LDC, staff will assist the city in preparing specific amendments that reflect the nature of the changes recommended below.

Louisville Metro Land Development Code

Chapter 1, Part 2 Definitions

Construction Work – The actual physical labor performed at a covered project job site by building and construction trade workers. Construction Work does not include work performed by administrative, clerical, security, or technical personnel; material suppliers engaged in delivering materials or supplies; off-site fabrication; or any other worker not performing trade work.

Data Center – All or portion of a facility used primarily for data services, including the storage, processing, management, and distribution of data through the use of computer systems, servers, networking equipment, and related components.

Data Center, Accessory – A Data Center that serves a Principal Use on the same lot, while subordinate in purpose to other on-site activities of the Principal Use. Although an Accessory Data Center's primary purpose is to provide data infrastructure supporting the operation of an on-site Principal Use, it may support the enterprise functions of the business, institution, or organization associated with the on-site Principal Use. This may include data services associated with off-site users directly affiliated with the on-site Principal Use.

Data Center, Telecommunication – A Data Center that exclusively serves a Telecommunication Facility and/or a telecommunications service provider or providers. A telecommunications service provider is a company that is regulated by the Federal Communications Commission (FCC) and offers voice, data, and internet communications services to the public, businesses, and other organizations. These companies include wireless providers, telecommunication carriers, broadcasters, satellite providers, and internet service providers.

Data Center, White Space – The usable area within a Data Center specifically allocated for housing IT equipment, such as servers, storage arrays, and networking hardware.

Prevailing Wage - The hourly wage rates and benefits the U.S. Department of Labor has determined must be paid to Construction Workers performing *Construction Work* in a given craft or classification.

Chapter 2 Part 4 Commercial Zoning Districts

2.4.5 C-3 Commercial District

A. Permitted Uses:

~~Telecommunications hotels~~

Chapter 2 Part 5 Industrial Zoning Districts

2.5.1 M-1 Industrial District

A. Permitted Uses:

~~Telecommunications hotels~~

Chapter 4 Part 2 Conditional Uses

4.2.1 Intent and Applicability

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with Goals, Objectives, and Policies of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

The following uses are subject to the Conditional Use Permit process:

Section	Conditional Use

4.2.68	<u>Data Centers (250,000 Square Feet or Less of Floor Area)</u>
4.2.69	<u>Data Centers (250,001 to 500,000 Square Feet of Floor Area)</u>

4.2.52 Underground Space

Use of underground space may be permitted upon the granting of a Conditional Use Permit and may be located beneath any surface zoning district provided that the permit shall apply only to the subsurface and shall not affect the zoning district or districts designated for the surface above the underground space and provided that the vehicular access points entering and exiting the underground space shall be classified in one of the following districts: M-1, M-2, M-3, PEC, PRO, C-M, C-2, or EZ-1.

The following uses of underground space may be permitted upon the granting of a Conditional Use Permit:

• ~~Computer data center.~~

4.2.68 Data Centers (250,000 Square Feet or Less of Floor Area)

Any *Data Center* that does not meet the provisions of Section 4.3.35 or 4.3.36 may be allowed in the C-M, EZ-1, M-1, M-2, M-3, PEC, and PRO districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. Each special standard provided in Section 4.3.35 or 4.3.36 shall be met unless relief is granted by the Board.
- B. As part of the application, the applicant shall provide written justification for each special standard in Section 4.3.35 or 4.3.36 that cannot be met, demonstrating the reasons why relief should be granted and how such relief would not cause an adverse impact on any adjacent property.
- C. Excluding any standard granted relief pursuant to this section, a *Data Center* with 50,000 square feet or less of floor area is only subject to the special standards provided in Section 4.3.35 and a *Data Center* with 50,001 to 250,000 square feet of floor area is only subject to the special standards in Section 4.3.36.
- D. A *Data Center* with 50,001 to 250,000 square feet of floor area is only permitted in an EZ-1, M-2, M-3, or PEC district. This provision shall not be waived or otherwise adjusted.
- E. The *Data Center* shall be located in a Campus, Regional Center, Suburban Workplace, or Traditional Workplace Form District. This provision shall not be waived.
- F. If an application requests relief to the requirement for a transmission study request in Section 4.3.36, a utility consumption model and plan may be provided. A consumption model for the purpose of this section is a mathematical or computational representation used to predict, analyze, and optimize energy usage in the system. The consumption plan shall include a strategy to manage energy usage and document when infrastructure and capacity related to the service(s) is anticipated to be available.
- G. Any Conditional Use Permit is subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

4.2.69 Data Centers (250,001 to 500,000 Square Feet of Floor Area)

Data Centers having 250,001 to 500,000 square feet of floor area may be allowed in the M-3 district upon the granting of a conditional use permit and compliance with the listed requirements.

- A. Maximum Floor Area. The *Data Center* White Space and any other floor area that exclusively supports the *Data Center* shall not exceed 500,000 square feet in total floor area on the development site. If

otherwise permitted, additional floor area may be allowed for other non-Data Center uses on the development site (e.g. office). This provision shall not be waived.

- B. Form Districts. The Data Center shall be located in a Campus, Regional Center, Suburban Workplace, or Traditional Workplace Form District. This provision shall not be waived.
- C. Setbacks. In addition to any setback required by Chapter 5 of this Land Development Code, there shall be a minimum setback of 200 feet abutting any residentially zoned property.
- D. Separations. Any structure containing a Data Center, generator, and/or utility substation shall be at least 500 feet from any structure containing a dwelling unit, nursing home, hospital, residential care facility, rehabilitation home, transitional housing, homeless shelter, child care center, or school (elementary, middle, or high) in existence at the time of the conditional use permit approval.
- E. Generators. Any generator that is used as part of an energy backup system for the Data Center shall a) be powered by propane, natural gas, hydrogen fuel cell, bi-fuel (natural gas/ diesel), or battery (such as Energy Storage Systems or ESS) or b) be classified as, or similar to, a Tier IV diesel generator per the EPA's emissions standards. Battery backup systems are permitted to provide instantaneous power during the switchover to generators. Any generator located outside of a building shall not be tested more than once per week, with testing only occurring between the hours of 8 AM to 5 PM. The Board may approve an alternative generator type or testing times upon receipt of documentation that neighboring properties would not be adversely impacted. Generators are only permitted for emergency use.
- F. Outdoor Lighting. Lighting shall comply with the standards of Section 4.1.3 of this Land Development Code.
- G. Noise.
 - i. Any equipment associated with the facility shall not generate any noise that equals or exceeds a measured sound level of 65 dBA when measured at or beyond any property boundary of the sound source.
 - ii. To reduce noise impact on other uses in the immediate vicinity, generators should be enclosed within building courtyards or with walls having sound attenuation properties.
- H. Fire Suppression System. Any fire suppression system shall meet all applicable building and life safety requirements. Areas within the building that host a server room are encouraged to be protected by a clean agent fire suppression system and an early smoke detection system (such as an Air-Sampling Smoke Detector (ASD) or VESDA (Very Early Smoke Detection Apparatus) system). The type of fire suppression system shall be approved by the Fire Protection District with jurisdiction.
- I. Water and sanitary. Closed loop systems are encouraged for any cooling system that utilizes water for cooling. A closed loop water system, also referred to as a closed recirculating water system, is a specialized setup used to conserve water and minimize wastage. All facilities must connect to public sanitary sewer and drainage. Water shall not be from any type of private well system source unless part of a geothermal system providing high-efficiency heating and cooling.
- J. Waste Heat/Ventilation. All external ventilation on structures associated with the Data Center should be designed in a manner that does not result in waste heat, or heat generated as a byproduct of Data Center operations, adversely impacting adjacent properties. Exhausts, chimneys, and other sources of waste heat should be designed in a manner that directs waste heat away from adjacent properties.

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- K. Landscape Buffering and Street Trees. Buffering shall comply with the standards of Chapter 10 of this Land Development Code. Street trees are required along all public rights of way (excluding alleys) (see Chapter 10.2.8 of this Land Development Code).
- L. Environmental Constraints. Any *Data Center* building, generator or utility substation shall not be allowed on any area of the development site identified as having an environmental constraint (see Section 4.6.2.A of this Land Development Code).
- M. Electricity Consumption. Prior to application, a transmission study request shall be filed with the Louisville Gas and Electric Company. Prior to operation, there shall be an executed service agreement. Any Power Plant or Alternative Energy System that is part of the development shall be permitted independently as a Power Plant or Alternative Energy System, accessory or non-accessory, pursuant to Chapter 4 Parts 2 and 3 of this Land Development Code.
- N. Water Usage/Consumption. As part of the application, the developer shall provide a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Water Company. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
- O. Wastewater/Stormwater. As part of the application, the developer shall provide a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Metropolitan Sewer District. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
- P. Public Utility Capacity. As part of the application, the applicant shall provide documentation demonstrating that public utility capacity and related infrastructure is, or will be made, available to ensure that the utility requirements of the *Data Center* can be accommodated without adverse effect on the cost of service to other customers.
- Q. Low Impact Site Design. Development plans shall:
- i. Minimize land disturbance by limiting land disturbance to only those areas necessary for improvements to occur and avoiding disturbing portions of the site that have existing slopes greater than 15%;
 - ii. Maximize tree preservation by maintaining and conserving at least 40% of any existing tree canopy and meeting all other applicable requirements in Chapter 10 Part 1 of this Land Development Code;
 - iii. Minimize impervious surfaces by setting aside a minimum of 20% of the gross acreage of land in the development site for vegetated open space; and
 - iv. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the immediate vicinity by complying with the noise and lighting requirements set forth in this section and Chapter 4 Part 1 of this Land Development Code.
- R. Energy Efficiency. The development shall:
- i. Orient buildings to take advantage of passive cooling and daylight opportunities;
 - ii. Utilize alternative energy systems as much as possible;
 - iii. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours;
 - iv. Utilize reclaimed water for cooling, if available;
 - v. Encourage systems that limit the use of finite natural resources and their disposal;
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- vi. Incorporate water-efficient landscape materials;
- vii. Utilize LED exterior/interior lighting; and
- viii. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.
- S. Emergency Contact Information. The *Data Center* shall provide signage with 24-hour emergency contact information that is visible at each access entrance. Signs shall include the company name (if applicable), the name and telephone number of a representative of the operator, and a telephone number to report emergencies to the Louisville Gas and Electric Company.
- T. Ownership Disclosure. The application shall disclose the identity of parties in interest to the public.
 - i. Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust, option, assignment of beneficial or contractual interest, or any form of representative capacity whatsoever for others, except as otherwise provided in this section, shall make a public disclosure of such, in writing, under oath, and subject to the penalties prescribed for perjury. In the case of a trust, the four largest beneficiaries must also sign the affidavit.
 - ii. This written disclosure shall be made at the time of application, on a form provided by the Office of Planning. The disclosure information shall include the name and address of every person having a beneficial or contractual interest in the real property, however small or minimal. All evidence submitted shall be subject to the Planning Director's satisfaction.
 - iii. Exemptions to the requirements of this section include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission.
- U. Primary User Disclosure. The application shall disclose the identity of the primary user of the *Data Center*. The primary user is the entity with the most usage of the facility and/or the operator of the *Data Center*.
- V. Licensing, Hiring, and Wage Requirements The project shall meet the following requirements.
 - i. Each contractor and construction worker involved in the project shall be licensed and certified in accordance with all federal, state, and local laws, including Chapter 150 of the Louisville Metro Code of Ordinances.
 - ii. Developers shall make a good faith effort to ensure that at least 30% of workforce hours are performed by permanent residents of Louisville Metro.
 - iii. As permitted by federal and state law, a construction worker performing *Construction Work* on the project shall be classified in accordance with the work performed and paid the *Prevailing Wage* rate for that classification, as determined by the U.S. Department of Labor.
- W. Any Conditional Use Permit is subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

Chapter 4 Part 3 Permitted Uses with Special Standards

4.3.1 Intent and Applicability

Certain uses are appropriate in certain districts only if special standards are applied. Waivers and variances for these special standards shall not be permitted because the uses listed below may only be permitted when these standards have been met. These uses listed in this Part are permitted in the districts indicated provided they conform to the standards and requirements listed in each section.

4.3.2 General Provisions

In addition to meeting the special standards listed under the particular use in this Section, all Permitted Uses with Special Standards shall be required to comply with the requirements of this Land Development Code, except to the extent that they conflict with an applicable special standard, in which case the special standard shall prevail. Proposed developments in accordance with this Part shall be processed using the Category 2 review procedure (Section 11.6.3). Applications shall include materials needed to demonstrate compliance with the special standards.

4.3.35 Data Centers (50,000 Square Feet or Less of Floor Area)

Data Centers with 50,000 square feet or less of floor area are permitted in C-M, EZ-1, M-1, M-2, M-3, PEC, and PRO districts subject to the following standards. A Data Center that does not meet the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.68 of this Land Development Code.

- A. Form Districts. The Data Center shall be located in a Campus, Regional Center, Suburban Workplace, or Traditional Workplace Form District.
- B. Setbacks. In addition to any setback required by Chapter 5 of this Land Development Code, there shall be a minimum setback of 25 feet abutting any residentially zoned property.
- C. Separations. Any structure containing a Data Center, generator, and/or utility substation shall be at least 25 feet from any structure containing a dwelling unit, nursing home, hospital, residential care facility, rehabilitation home, transitional housing, homeless shelter, child care center, or school (elementary, middle, or high) in existence at the time of development.
- D. Generators. Any generator that is used as part of an energy backup system for the Data Center shall
 - a) be powered by propane, natural gas, hydrogen fuel cell, bi-fuel (natural gas/diesel), or battery (such as Energy Storage Systems or ESS) or b) be classified as, or similar to, a Tier IV diesel generator per the EPA's emissions standards. Battery backup systems are permitted to provide instantaneous power during the switchover to generators. Any generator located outside of a building shall not be tested more than once per week, with testing only occurring between the hours of 8 AM to 5 PM. The Planning Director may approve an alternative generator type or testing times upon receipt of documentation that neighboring properties would not be adversely impacted. Generators are only permitted for emergency use.
- E. Outdoor Lighting. Lighting shall comply with the standards of Section 4.1.3 of this Land Development Code.
- F. Noise.
 - i. Any equipment associated with the facility shall not generate any noise that equals or exceeds a measured sound level of 65 dBA when measured at or beyond any property boundary of the sound source.

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- ii. To reduce noise impact on other uses in the immediate vicinity, generators should be enclosed within building courtyards or with walls having sound attenuation properties.
 - G. Fire Suppression System. Any fire suppression system shall meet all applicable building and life safety requirements. Areas within the building that host a server room are encouraged to be protected by a clean agent fire suppression system and an early smoke detection system (such as an Air-Sampling Smoke Detector (ASD) or VESDA (Very Early Smoke Detection Apparatus) system). The type of fire suppression system shall be approved by the Fire Protection District with jurisdiction.
 - H. Landscape Buffering and Street Trees. Buffering shall comply with the standards of Chapter 10 of this Land Development Code. Street trees are required along all public rights of way (excluding alleys) (see Chapter 10.2.8 of this Land Development Code)..
 - I. Environmental Constraints. Any *Data Center* building, generator, or utility substation shall not be allowed on any area of the development site identified as having an environmental constraint (see Section 4.6.2.A of this Land Development Code).
 - J. Electricity Consumption. Prior to commencing with development of the *Data Center*, a transmission study request shall be filed with the Louisville Gas and Electric Company. Prior to operation, there shall be an executed service agreement. Any Power Plant or Alternative Energy System that is part of the development shall be permitted independently as a Power Plant or Alternative Energy System, accessory or non-accessory, pursuant to Chapter 4 Parts 2 and 3 of this Land Development Code.
 - K. Water Usage/Consumption. Prior to commencing with development of the *Data Center*, the developer shall obtain a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Water Company. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
 - L. Wastewater/Stormwater. Prior to commencing with development of the *Data Center*, the developer shall obtain a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Metropolitan Sewer District. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
 - M. Public Utility Capacity. As part of the registration application, the applicant shall provide documentation demonstrating that public utility capacity and related infrastructure is, or will be made, available to ensure that the utility requirements of the *Data Center* can be accommodated without adverse effect on the cost of service to other customers.
 - N. Low Impact Site Design. Development plans shall:
 - i. Minimize land disturbance by limiting land disturbance to only those areas necessary for improvements to occur and avoiding disturbing portions of the site that have existing slopes greater than 15%;
 - ii. Maximize tree preservation by maintaining and conserving at least 40% of any existing tree canopy and meeting all other applicable requirements in Chapter 10 Part 1 of this Land Development Code;
 - iii. Minimize impervious surfaces by setting aside a minimum of 20% of the gross acreage of land in the development site for vegetated open space; and
 - iv. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the immediate vicinity by complying with the noise and lighting requirements set forth in this section and Chapter 4 Part 1 of this Land Development Code.

O. Energy Efficiency. The development shall:

- i. Orient buildings to take advantage of passive cooling and daylight opportunities;
- ii. Utilize alternative energy systems as much as possible;
- iii. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours;
- iv. Utilize reclaimed water for cooling, if available;
- v. Encourage systems that limit the use of finite natural resources and their disposal;
- vi. Incorporate water-efficient landscape materials;
- vii. Utilize LED exterior/interior lighting; and
- viii. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

P. Emergency Contact Information. The *Data Center* shall provide signage with 24-hour emergency contact information that is visible at each access entrance. Signs shall include the company name (if applicable), the name and telephone number of a representative of the operator, and a telephone number to report emergencies to the Louisville Gas and Electric Company.

Q. Ownership Disclosure. The application shall disclose the identity of parties in interest to the public.

- i. Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust, option, assignment of beneficial or contractual interest, or any form of representative capacity whatsoever for others, except as otherwise provided in this section, shall make a public disclosure, in writing of such, under oath, and subject to the penalties prescribed for perjury. In the case of a trust, the four largest beneficiaries must also sign the affidavit.
- ii. This written disclosure shall be made at the time of application, on a form provided by the Office of Planning. The disclosure information shall include the name and address of every person having a beneficial or contractual interest in the real property, however small or minimal. All evidence submitted shall be subject to the Planning Director's satisfaction.
- iii. Exemptions to the requirements of this section include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission.

R. Primary User Disclosure. The application shall disclose the identity of the primary user of the *Data Center*. The primary user is the entity with the most usage of the facility and/or the operator of the *Data Center*.

S. Licensing, Hiring, and Wage Requirements The project shall meet the following requirements.

- i. Each contractor and construction worker involved in the project shall be licensed and certified in accordance with all federal, state, and local laws, including Chapter 150 of the Louisville Metro Code of Ordinances.
- ii. Developers shall make a good faith effort to ensure that at least 30% of workforce hours are performed by permanent residents of Louisville Metro.
- iii. As permitted by federal and state law, a construction worker performing Construction Work on the project shall be classified in accordance with the work performed and paid the Prevailing Wage rate for that classification, as determined by the U.S. Department of Labor.

- T. Registration. Prior to commencing development or operating a *Data Center*, the property owner shall register the *Data Center* with the Office of Planning. At that time, the Planning Director or their designee shall determine compliance with the provisions of this section. The Director may deny the registration for failure to comply with any provision.

4.3.36 Data Centers (50,001 to 250,000 Square Feet of Floor Area)

Data Centers with 50,001 to 250,000 square feet of floor area are permitted in EZ-1, M-2, M-3, and PEC districts subject to the following standards. A *Data Center* that does not meet the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.68 of this Land Development Code.

- A. Form Districts. The *Data Center* shall only be located in a Campus, Regional Center, Suburban Workplace, or Traditional Workplace Form District.
- B. Setbacks. In addition to any setback required by Chapter 5 of this Land Development Code, there shall be a minimum setback of 100 feet abutting any residentially zoned property.
- C. Separations. Any structure containing a *Data Center*, generator, and/or utility substation shall be at least 200 feet from any structure containing a dwelling unit, nursing home, hospital, residential care facility, rehabilitation home, transitional housing, homeless shelter, child care center, or school (elementary, middle, or high) in existence at the time of development.
- D. Generators. Any generator that is used as part of an energy backup system for the *Data Center* shall
a) be powered by propane, natural gas, hydrogen fuel cell, bi-fuel (natural gas/diesel), or battery (such as Energy Storage Systems or ESS) or b) be classified as, or similar to, a Tier IV diesel generator per the EPA's emissions standards. Battery backup systems are permitted to provide instantaneous power during the switchover to generators. Any generator located outside of a building shall not be tested more than once per week, with testing only occurring between the hours of 8 AM to 5 PM. The Planning Director may approve an alternative generator type or testing times upon receipt of documentation that neighboring properties would not be adversely impacted. Generators are only permitted for emergency use.
- E. Outdoor Lighting. Lighting shall comply with the standards of Section 4.1.3 of this Land Development Code.
- F. Noise.
i. Any equipment associated with the facility shall not generate any noise that equals or exceeds a measured sound level of 65 dBA when measured at or beyond any property boundary of the sound source.
ii. To reduce noise impact on other uses in the immediate vicinity, generators should be enclosed within building courtyards or with walls having sound attenuation properties.
- G. Fire Suppression System. Any fire suppression system shall meet all applicable building and life safety requirements. Areas within the building that host a server room are encouraged to be protected by a clean agent fire suppression system and an early smoke detection system (such as an Air-Sampling Smoke Detector (ASD) or VESDA (Very Early Smoke Detection Apparatus) system). The type of fire suppression system shall be approved by the Fire Protection District with jurisdiction.
- H. Water and sanitary. Closed loop systems are encouraged for any cooling system that utilizes water for cooling. A closed loop water system, also referred to as a closed recirculating water system, is a

specialized setup used to conserve water and minimize wastage. All facilities must connect to public sanitary sewer and drainage. Water shall not be from any type of private well system source unless part of a geothermal system providing high-efficiency heating and cooling.

- I. Waste Heat/Ventilation. All external ventilation on structures associated with the *Data Center* should be designed in a manner that does not result in waste heat, or heat generated as a byproduct of *Data Center* operations, adversely impacting adjacent properties. Exhausts, chimneys, and other sources of waste heat should be designed in a manner that directs waste heat away from adjacent properties.
- J. Landscape Buffering and Street Trees. Buffering shall comply with the standards of Chapter 10 of this Land Development Code. Street trees are required along all public rights of way (excluding alleys) (see Chapter 10.2.8 of this Land Development Code).
- K. Environmental Constraints. Any *Data Center* building, generator, or utility substation shall not be allowed on any area of the development site identified as having an environmental constraint (see Section 4.6.2.A of this Land Development Code).
- L. Electricity Consumption. Prior to commencing with development of the *Data Center*, a transmission study request shall be filed with the Louisville Gas and Electric Company. Prior to operation, there shall be an executed service agreement. Any Power Plant or Alternative Energy System that is part of the development shall be permitted independently as a Power Plant or Alternative Energy System, accessory or non-accessory, pursuant to Chapter 4 Parts 2 and 3 of this Land Development Code.
- M. Water Usage/Consumption. Prior to commencing with development of the *Data Center*, the developer shall obtain a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Water Company. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
- N. Wastewater/Stormwater. Prior to commencing with development of the *Data Center*, the developer shall obtain a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Metropolitan Sewer District. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
- O. Public Utility Capacity. As part of the registration application, the applicant shall provide documentation demonstrating that public utility capacity and related infrastructure is, or will be made, available to ensure that the utility requirements of the *Data Center* can be accommodated without adverse effect on the cost of service to other customers.
- P. Low Impact Site Design. Development plans shall:
 - i. Minimize land disturbance by limiting land disturbance to only those areas necessary for improvements to occur and avoiding disturbing portions of the site that have existing slopes greater than 15%;
 - ii. Maximize tree preservation by maintaining and conserving at least 40% of any existing tree canopy and meeting all other applicable requirements in Chapter 10 Part 1 of this Land Development Code;
 - iii. Minimize impervious surfaces by setting aside a minimum of 20% of the gross acreage of land in the development site for vegetated open space; and
 - iv. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the immediate vicinity by complying with the noise and lighting requirements set forth in this section and Chapter 4 Part 1 of this Land Development Code.

Q. Energy Efficiency. The development shall:

- i. Orient buildings to take advantage of passive cooling and daylight opportunities;
- ii. Utilize alternative energy systems as much as possible;
- iii. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours;
- iv. Utilize reclaimed water for cooling, if available;
- v. Encourage systems that limit the use of finite natural resources and their disposal;
- vi. Incorporate water-efficient landscape materials;
- vii. Utilize LED exterior/interior lighting; and
- viii. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

R. Emergency Contact Information. The *Data Center* shall provide signage with 24-hour emergency contact information that is visible at each access entrance. Signs shall include the company name (if applicable), the name and telephone number of a representative of the operator, and a telephone number to report emergencies to the Louisville Gas and Electric Company.

S. Ownership Disclosure. The application shall disclose the identity of parties in interest to the public.

- i. Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust, option, assignment of beneficial or contractual interest, or any form of representative capacity whatsoever for others, except as otherwise provided in this section, shall make a public disclosure of such, in writing, under oath, and subject to the penalties prescribed for perjury. In the case of a trust, the four largest beneficiaries must also sign the affidavit.
- ii. This written disclosure shall be made at the time of application, on a form provided by the Office of Planning. The disclosure information shall include the name and address of every person having a beneficial or contractual interest in the real property, however small or minimal. All evidence submitted shall be subject to the Planning Director's satisfaction.
- iii. Exemptions to the requirements of this section include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission.

T. Primary User Disclosure. The application shall disclose the identity of the primary user of the *Data Center*. The primary user is the entity with the most usage of the facility and/or the operator of the *Data Center*.

U. Licensing, Hiring, and Wage Requirements The project shall meet the following requirements.

- i. Each contractor and construction worker involved in the project shall be licensed and certified in accordance with all federal, state, and local laws, including but not limited to Chapter 150 of the Louisville Metro Code of Ordinances.
- ii. Developers shall make a good faith effort to ensure that at least 30% of workforce hours are performed by permanent residents of Louisville Metro.
- iii. As permitted by federal and state law, a construction worker performing *Construction Work* on the project shall be classified in accordance with the work performed and paid the *Prevailing Wage* rate for that classification, as determined by the U.S. Department of Labor.

- V. Registration. Prior to commencing development or operating a *Data Center*, the property owner shall register the *Data Center* with the Office of Planning. At that time, the Planning Director or their designee shall determine compliance with the provisions of this section. The Director may deny the registration for failure to comply with any provision.

4.3.37 Telecommunications Data Centers

Telecommunications Data Centers with 50,000 square feet or less of floor area are permitted in C-3, C-M, EZ-1, M-1, M-2, M-3, PEC, and PRO districts subject to the following standards. Telecommunication Data Centers with 50,001 to 250,000 square feet of floor area are permitted in EZ-1, M-2, M-3, and PEC districts subject to the following standards. A Data Center that does not meet the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.68 of this Land Development Code.

- A. The *Data Center* shall be directly associated with a *Telecommunications Facility* and/or exclusively serve a telecommunication service provider that provides telecommunications services to clients or customers in Louisville Metro.
- B. A *Data Center* with 50,000 square feet or less of floor area shall be located in a Campus, Downtown, Regional Center, Suburban Workplace, Traditional Marketplace Corridor, Traditional Workplace, or Urban Center Neighborhood Form District. A *Data Center* with 50,001 to 250,000 square feet of floor area shall only be located in a Campus, Regional Center, Suburban Workplace, or Traditional Workplace Form District.
- C. Separations. Any *Data Center* with 50,000 square feet or less of floor area, or any generator or utility substation associated with such a center, shall be at least 25 feet from any structure containing a dwelling unit, nursing home, hospital, residential care facility, rehabilitation home, transitional housing, homeless shelter, child care center, or school (elementary, middle, or high) in existence at the time of development. Any *Data Center* with 50,001 to 250,000 square feet of floor area, or any generator or utility substation associated with such a center, shall be at least 200 feet from any structure containing a dwelling unit, nursing home, hospital, residential care facility, rehabilitation home, transitional housing, homeless shelter, child care center, or school (elementary, middle, or high) in existence at the time of development.
- D. Generators. Any generator that is used as part of an energy backup system for the *Data Center* shall a) be powered by propane, natural gas, hydrogen fuel cell, bi-fuel (natural gas/diesel), or battery (such as Energy Storage Systems or ESS) or b) be classified, or similar to, as a Tier IV diesel generator per the EPA's emissions standards. Battery backup systems are permitted to provide instantaneous power during the switchover to generators. In the Downtown, Traditional Marketplace Corridor, and Urban Center Neighborhood Form Districts, any generator shall be located within a building or enclosed. Any generator located outside of a building shall not be tested more than once per week, with testing only occurring between the hours of 8 AM to 5 PM. The Board may approve an alternative generator type or testing times upon receipt of documentation that neighboring properties would not be adversely impacted. Generators are only permitted for emergency use.
- E. Outdoor Lighting. Lighting shall comply with the standards of Section 4.1.3 of this Land Development Code.
- F. Noise.

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- i. Any equipment associated with the facility shall not generate any noise that equals or exceeds a measured sound level of 65 dBA when measured at or beyond any property boundary of the sound source.
 - ii. To reduce noise impact on other uses in the immediate vicinity, generators should be enclosed within building courtyards or with walls having sound attenuation properties.
- G. Fire Suppression System. Any fire suppression system shall meet all applicable building and life safety requirements. Areas within the building that host a server room are encouraged to be protected by a clean agent fire suppression system and an early smoke detection system (such as an Air-Sampling Smoke Detector (ASD) or VESDA (Very Early Smoke Detection Apparatus) system). The type of fire suppression system shall be approved by the Fire Protection District with jurisdiction.
- H. Landscape Buffering and Street Trees. Buffering shall comply with the standards of Chapter 10 of this Land Development Code. Street trees are required along all public rights of way (excluding alleys) (see Chapter 10.2.8 of this Land Development Code).
- I. Environmental Constraints. Any *Data Center* building, generator, or utility substation shall not be allowed on any area of the development site identified as having an environmental constraint (see Section 4.6.2.A of this Land Development Code).
- J. Ground Level Uses. If located in a Downtown, Traditional Marketplace Corridor, or Urban Center Neighborhood Form District, offices, retail, or another appropriate use is required on the ground level along public street facing facades. Floor area associated with the *Data Center* shall not be located on the ground level along any public street facing facade.
- K. Electricity Consumption. Prior to application, a transmission study request shall be filed with the Louisville Gas and Electric Company. Prior to operation, there shall be an executed service agreement. Any Power Plant or Alternative Energy System that is part of the development shall be permitted independently as a Power Plant or Alternative Energy System, accessory or non-accessory, pursuant to Chapter 4 Parts 2 and 3 of this Land Development Code.
- L. Water Usage/Consumption. As part of the application, the developer shall provide a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Water Company. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
- M. Wastewater/Stormwater. As part of the application, the developer shall provide a "Will Serve Letter" or other acceptable documentation demonstrating serviceability from the Louisville Metropolitan Sewer District. The Will Serve Letter shall confirm that the utility service has the capacity and are committed to providing service to the development.
- N. Public Utility Capacity. As part of the application, the applicant shall provide documentation demonstrating that public utility capacity and related infrastructure is, or will be made, available to ensure that the utility requirements of the *Data Center* can be accommodated without adverse effect on the cost of service to other customers.
- O. Low Impact Site Design. Development plans shall:
- i. Minimize land disturbance by limiting land disturbance to only those areas necessary for improvements to occur and avoiding disturbing portions of the site that have existing slopes greater than 15%;
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- ii. Maximize tree preservation by maintaining and conserving at least 40% of any existing tree canopy and meeting all other applicable requirements in Chapter 10 Part 1 of this Land Development Code;
- iii. Minimize impervious surfaces by setting aside a minimum of 20% of the gross acreage of land in the development site for vegetated open space; and
- iv. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the immediate vicinity by complying with the noise and lighting requirements set forth in this section and Chapter 4 Part 1 of this Land Development Code.

P. Energy Efficiency. The development shall:

- i. Orient buildings to take advantage of passive cooling and daylight opportunities;
- ii. Utilize alternative energy systems as much as possible;
- iii. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours;
- iv. Utilize reclaimed water for cooling, if available;
- v. Encourage systems that limit the use of finite natural resources and their disposal;
- vi. Incorporate water-efficient landscape materials;
- vii. Utilize LED exterior/interior lighting; and
- viii. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

Q. Emergency Contact Information. The *Data Center* shall provide signage with 24-hour emergency contact information that is visible at each access entrance. Signs shall include the company name (if applicable), the name and telephone number of a representative of the operator, and a telephone number to report emergencies to the Louisville Gas and Electric Company.

R. User Disclosure. The application shall disclose the identity of the user of the *Data Center*.

S. Licensing and Hiring Requirements The project shall meet the following requirements.

- i. Each contractor and construction worker involved in the project shall be licensed and certified in accordance with all federal, state, and local laws, including Chapter 150 of the Louisville Metro Code of Ordinances.
- ii. Developers shall make a good faith effort to ensure that at least 30% of workforce hours are performed by permanent residents of Louisville Metro.

T. Registration. Prior to commencing development or operating an Adaptive Reuse Data Center, the property owner shall register the Telecommunications Data Center with the Office of Planning. At that time, the Planning Director or their designee shall determine compliance with the provisions of this section. The Director may deny the registration for failure to comply with any provision.

A Telecommunications Data Center of 250,001 to 500,000 square feet of floor area square feet may be permitted pursuant to section 4.2.69 of this Land Development Code.

Chapter 4 Part 4 Accessory Uses and Miscellaneous Standards

4.4.14 Accessory Data Centers

Accessory Data Centers may be permitted subject to the following standards:

- A. The Accessory Data Center may only provide data services, including the storage, processing, management, and/or distribution of data, to the business, institution, or organization associated with Principal Use only.
- B. The Accessory Data Center shall not be used as a colocation facility, providing data services to off-site users not associated with the Principal Use.
- C. Data Center White Space shall not exceed the lesser of 25,000 square feet or 49.9% of the total square footage associated with its Principal Use.
- D. Generators. Any generator that is used as part of an energy backup system for the Data Center shall a) be powered by propane, natural gas, hydrogen fuel cell, bi-fuel (natural gas/diesel), or battery (such as Energy Storage Systems or ESS) or b) be classified as, or similar to, a Tier IV diesel generator per the EPA's emissions standards. Battery backup systems are permitted to provide instantaneous power during the switchover to generators. Any generator located outside of a building shall not be tested more than once per week, with testing only occurring between the hours of 8 AM to 5 PM. The Planning Director may approve an alternative generator type or testing times upon receipt of documentation that neighboring properties would not be adversely impacted. Generators are only permitted for emergency use.

Any Data Center that does not conform to this section shall not be considered an Accessory Data Center and is subject to the regulations and standards in sections 4.2.68, 4.2.69, 4.2.70, 4.3.35, and 4.3.36 of this Land Development Code.

Chapter 9 Part 1 Motor Vehicle Parking Standards

Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use

GENERAL ACTIVITIES (¹ LBCS Code)	SPECIFIC ACTIVITIES (¹ LBCS Code)	MINIMUM REQUIREMENT	MAXIMUM REQUIREMENT
Industrial, manufacturing, and waste-related (3000)			
	<u>Data Center</u>	<u>To be determined by Director or designee</u>	<u>To be determined by Director or designee</u>

Chapter 10 Part 2 Landscape Design

10.2.4 Property Perimeter Landscape Buffer Areas

Table 10.2.1 Intensity Classes and Zoning Districts	
Intensity Class	STEP 1

5	M-2, M-3, EZ-1, PD (industrial use), PEC (industrial uses), W-1 (industrial use), W-2 (industrial use), W-3, utility substations, landfills, treatment plants or similar uses, cell towers, <u>data centers of greater than 50,000 square feet</u>	Determine intensity class for the proposed use and adjacent sites.

2. Proposed Findings for the Planning Commission

WHEREAS, the Commission finds that the Louisville Metro Council passed Resolution No. 82, Series 2025 requesting that the Commission review the Land Development Code (LDC) and develop recommended changes related to data centers; and

WHEREAS, the Commission finds that Louisville Metro's current comprehensive plan, known as Plan 2040, became effective on January 1, 2019; and

WHEREAS, the Commission finds that the amendments advance the Goals, Objectives, and Policies of Plan 2040, as well as its CHASE principles; and

WHEREAS, the Commission finds that the amendments meet Community Form Goal 1 by guiding the form and design of data center development to respond to distinctive physical, historic and cultural qualities; and

WHEREAS, the Commission finds that the amendments meet Community Form Goal 1, Policy 8 by limiting the form districts and encouraging data center industries to locate in workplace form districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites; and

WHEREAS, the Commission finds that the amendments meet Community Form Goal 1, Policy 16 by considering impacts on human health, quality of life and the environment and paying special attention to air and water quality when residences, schools, parks or vulnerable populations will be impacted; and

WHEREAS, the Commission finds that the amendments meet Economic Development Goal 1 by providing an economic climate that improves growth, innovation, investment and opportunity for all by allowing data center development that supports local businesses; and

WHEREAS, the Commission finds that the amendments meet Economic Development Goal 1, Policy 1 by limiting data centers in workplace form districts as they meet the needs of the industrial subdivision or workplace district and their employees.