Text Amendment to the Louisville Metro Land Development Code (LDC)
for Data Centers
Revised Following Public Comment Period on July 20, 2026

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.

With the passing of Resolution 82, Series 2025, the Louisville Metro Council requested the Planning Commission review the Louisville Metro LDC regulations with regard to data centers. This draft reflects extensive community feedback and is designed to support responsible investment while protecting Louisville's long-term interests. The proposed regulations would:

1. Prohibit future data centers exceeding 500,000 square feet, 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 square feet to industrial areas in the M-3 district with a Conditional Use Permit.

3. Restrict data centers between 50,000 and 250,000 square feet to industrial areas in the EZ-1, M-2, M-3, and PEC districts and subject to special standards.

4. Only permit data centers that are less than 50,000 square feet in the manufacturing/ industrial areas in the C-M, EZ-1, M-1, M-2, M-3, PEC and PRO districts and subject to special standards.

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.

July 21, 2026

CASE NO.	25-LDC-0014
PROJECT NAME:	Text Amendment to the Land Development Code for Data Centers
APPLICANT:	Louisvlle Metro
JURISDICTION:	Louisville Metro
COUNCIL DISTRICT:	All Council Districts

DRAFT TEXT AMENDMENT

The following changes are to the Louisville Metro version of the Land Development Code.

Chapter 1, Part 2 Definitions
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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.
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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.
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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.
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Chapter 2 Part 4 Commercial Zoning Districts
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2.4.5 C-3 Commercial District
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A. Permitted Uses:
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~~Telecommunications hotels~~
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Chapter 2 Part 5 Industrial Zoning Districts
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2.5.1 M-1 Industrial District
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A. Permitted Uses:
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~~Telecommunications hotels~~
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Chapter 4 Part 2 Conditional Uses
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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
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4.2.68	Data Centers (250,000 Square Feet or Less of Floor Area)
4.2.69	Data Centers (250,001 to 500,000 Square Feet of Floor Area)

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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:
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~~• Computer data center~~.
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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 Cente*r 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.

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;
   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.

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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.

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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 *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. 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 Cente*r 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 Cente*r, 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 t*hat 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.

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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 Cente*r, 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.
   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%;
   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.

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Chapter 4 Part 4 Accessory Uses and Miscellaneous Standards

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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.

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Chapter 9 Part 1 Motor Vehicle Parking Standards

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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)			
	Data Center	To be determined by Director or designee	To be determined by Director or designee

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Chapter 10 Part 2 Landscape Design

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10.2.4 Property Perimeter Landscape Buffer Areas

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Table 10.2.1 Intensity Classes and Zoning Districts		
Intensity Class		STEP 1 Determine intensity class for the proposed use and adjacent sites.
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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, *data centers* of greater than 50,000 square feet	

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