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Deatherage, Myers & Lackey, PLLC

July 21, 2026

Tom Britton
Community & Development Services
710 South Main Street
Hopkinsville, KY 42240

RE: Data Center

Dear Tom,

On behalf of HES, I submit the attached proposed Ordinance for consideration by CDS and the City of Hopkinsville. HES is certainly willing to continue to participate in constructive dialogue on this matter.

I appreciate your kind attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack N. Lackey, Jr.', written over a horizontal line.

Jack N. Lackey, Jr.

Cc: Stephen Underwood
Jeff Hurd

Enclosure: (1)
JNL/oml



**PROPOSED ORDINANCE — TEXT AMENDMENT TO CHAPTER 158
(ZONING CODE)**

City of Hopkinsville, Kentucky, Code of Ordinances

LEGISLATIVE FINDINGS AND STATEMENT OF AUTHORITY

In support of the following amendments to Chapter 158 of the Code of Ordinances concerning Data Centers, the City of Hopkinsville makes the following findings:

WHEREAS, the City of Hopkinsville is authorized to adopt and amend zoning regulations for the protection of the public health, safety, and general welfare pursuant to the planning and zoning enabling statutes, KRS Chapter 100, including KRS 100.201 and 100.203,;

WHEREAS, the siting, construction, and operation of Data Centers present land-use considerations — including traffic, noise, exterior lighting, visual mass, screening, thermal discharge, water and wastewater demand, and, where on-site or co-located electric generation is present, air emissions, fuel storage, and fire load — that are properly the subject of the City's zoning regulation;

WHEREAS, retail, commercial, and industrial electric service within the City of Hopkinsville is furnished by Hopkinsville Electric System (HES), a municipally owned electric system created by ordinance and operated by an electric plant board under the "Little TVA Act," KRS 96.550 to 96.900, and by Pennyrite Rural Electric Cooperative Corporation (PRECC), a rural electric cooperative organized under KRS Chapter 279;

WHEREAS, both HES and PRECC are local power companies that purchase their electric power at wholesale from the Tennessee Valley Authority (TVA), a

wholly owned corporate agency and instrumentality of the United States established under the Tennessee Valley Authority Act of 1933, 16 U.S.C. §§ 831–831ee;

WHEREAS, TVA supplies power to its local distributors under long-term, all-requirements wholesale power contracts and is authorized to establish in those contracts the resale rate schedules, rules, and regulations governing the distributors' provision of electric service, 16 U.S.C. § 831i; see *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288 (1936);

WHEREAS, the rates, wholesale power-supply arrangements, and capacity commitments of HES and PRECC — including the availability of, and any decision to provide, additional electric capacity to serve a particular load — are governed by TVA and the applicable TVA wholesale power contracts;

WHEREAS, because the connected electrical load, measured in megawatts, that a Grid-Served Data Center draws from HES or PRECC is a function of the wholesale power-supply and capacity arrangements administered by TVA, the City finds that connected electrical load is adequately regulated by TVA, HES, and/or PRECC;

WHEREAS, the City further finds that the land-use impacts it may properly regulate correlate with the physical size and configuration of a Data Center — that is, with its Data Center Footprint — and with the presence of on-site or co-located electric generation, rather than with the quantity of grid-delivered power the facility consumes;

WHEREAS, the City therefore classifies Grid-Served Data Centers by Data Center Footprint alone and calibrates its supplemental setback standards for such facilities to footprint, while retaining connected-electrical-load criteria only for On-Site

Generation Data Centers, which generate their own power and do not rely upon TVA wholesale supply;

WHEREAS, the City finds that a Data Center Footprint threshold of one hundred thousand (100,000) square feet reasonably distinguishes those Grid-Served Data Centers whose physical scale warrants a supplemental perimeter setback from those whose land-use impacts are adequately addressed by the setbacks and other standards otherwise applicable in the zoning district in which they are located;

WHEREAS, consistent with the purpose stated in § 158.048(A), these provisions are intended to be neutral as to the source, supplier, or geographic origin of grid-delivered electric power and neither favor nor disfavor any particular provider of electric service; and

WHEREAS, nothing in these amendments is intended to authorize the City to regulate the service facilities of any utility exempted under KRS 100.324, to regulate the rates or services of HES, PRECC, or TVA, or to impair the authority of a municipally owned electric system under KRS Chapter 96 to furnish electric service.

NOW, THEREFORE, the City of Hopkinsville hereby amends Chapter 158 of the Code of Ordinances as set forth below.

Amend § 158.002 to add the following definitions:

DATA. Any information, digital, electronic, optical or quantum, that can be collected, stored, processed, or transmitted.

DATA CENTER. A facility used primarily for the storage, management, processing, or transmission of data and includes, but is not limited to, buildings designed to accommodate computer servers, storage systems, or specialized computing hardware.

A Data Center includes a Data Center principal use or structure, any Data Center accessory use or structure, and Data Center energy systems. Examples of these facilities and uses include, but are not limited to, crypto processing, commercial cryptocurrency mining (bitcoin mining), artificial intelligence training and/or processing, and cloud-computing. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on a property, such as servers associated with an office building.

DATA CENTER, SMALL SCALE (SMALL-SCALE DATA CENTER). A Data Center with (1) a connected electrical load of less than fifteen (15) megawatts; and (2) a footprint of less than 20,000 square feet in area. This category does not include any facility that operates a Data Center Energy System for on-site electric generation; however, a battery energy storage system that is grid-charged and does not itself generate electricity does not constitute such a Data Center Energy System for purposes of this exclusion. Small-Scale Data Centers are prohibited in the City of Hopkinsville, except in the B-1, B-2, B-3, B-4, I-1, and I-2 districts, either as of right or by an approved Conditional Use Permit as provided in the Schedule of Uses in Appendix A.

DATA CENTER, MEDIUM SCALE (MEDIUM-SCALE DATA CENTER). A Data Center, not constituting a Small-Scale Data Center, with (1) a connected electrical load of less than fifty (50) megawatts; and (2) a footprint of less than 100,000 square feet in area. Medium-Scale Data Centers are prohibited in the City of Hopkinsville, except in the B-3, B-4, I-1, and I-2 districts, either as of right or by an approved Conditional Use Permit as provided in the Schedule of Uses in Appendix A.

DATA CENTER, LARGE SCALE (LARGE-SCALE DATA CENTER). A

Data Center, not constituting a Small- or Medium-Scale Data Center, with (1) a connected electrical load of less than one hundred (100) megawatts; and (2) a footprint of less than 500,000 square feet in area. Large-Scale Data Centers are prohibited in the City of Hopkinsville, except in the B-3, B-4, I-1, and I-2 districts, either as of right or by an approved Conditional Use Permit as provided in the Schedule of Uses in Appendix A.

DATA CENTER, HYPER SCALE (HYPER-SCALE DATA CENTER). A

Data Center with (1) a connected electrical load of one hundred (100) megawatts or more; or (2) a footprint of 500,000 square feet or greater in area. Hyper-scale Data Centers are prohibited within the City of Hopkinsville.

DATA CENTER USE TABLE; APPENDIX A CONTROLS. For each size tier defined above, the zoning districts in which a Data Center is permitted, and whether it is permitted as of right or by conditional use permit, are governed by the Schedule of Uses in Appendix A. To the extent the permitted districts or approval pathway stated in any definition in this section differ from the Schedule of Uses in Appendix A, the Schedule of Uses in Appendix A controls.

DATA CENTER, GRID-SERVED — SIZE CLASSIFICATION BY FOOTPRINT. The size classification of a Grid-Served Data Center as a Small-Scale, Medium-Scale, Large-Scale, or Hyper-Scale Data Center shall be determined solely by its Data Center Footprint, without regard to connected electrical load. The connected-electrical-load (megawatt) criteria stated in the Small-Scale, Medium-Scale, Large-Scale, and Hyper-Scale Data Center definitions shall not apply to any Grid-Served Data Center and shall apply only to On-Site Generation Data Centers. For a Grid-Served Data Center,

the facility is a Small-Scale Data Center if its Data Center Footprint is less than 10,000 square feet; a Medium-Scale Data Center if its footprint is 10,000 square feet or more but less than 100,000 square feet; a Large-Scale Data Center if its footprint is 100,000 square feet or more but less than 500,000 square feet; and a Hyper-Scale Data Center if its footprint is 500,000 square feet or greater.

DATA CENTER ACCESSORY USE OR STRUCTURE. Any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development or in further support of a Data Center. The category includes, but is not limited to, administrative, logistical, fiber optic, storage, and security buildings or structures; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment); water cooling and storage facilities; security features; and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.

DATA CENTER ENERGY SYSTEMS. Energy generation and storage systems, including electrical generators or engines, electric substations, back-up power generators, and battery energy storage systems (BESS), used or intended to be used as sources of electrical power during normal operations, or as back-up temporary power when the main source of power is interrupted; electric transmission and distribution lines; and pipelines. The category shall not include utility service facilities exempted under KRS 100.324.

DATA CENTER, GRID-SERVED (GRID-SERVED DATA CENTER). A Data Center for which the Tennessee Valley Authority, Hopkinsville Electric System, and/or a local rural electric cooperative provides the primary source of electric power during normal operations, and which does not operate a Data Center Energy System for electric generation other than backup generation operated only during interruptions of the public electric supply or for periodic testing, commissioning, or maintenance as permitted under § 158.048(D)(3). A grid-charged battery energy storage system — including one operated for peak shaving, load management, or a utility or TVA demand-response program — does not constitute electric generation and does not, by reason of such operation, reclassify a Data Center as an On-Site Generation Data Center.

DATA CENTER, ON-SITE GENERATION (ON-SITE GENERATION DATA CENTER). A Data Center that, during normal operations, relies on a Data Center Energy System for electric generation — whether self-generated or generated by a privately owned or contracted third-party generation source located on or serving the site — as a primary or supplemental source of electric power. A Data Center is not an On-Site Generation Data Center solely by reason of backup generation operated only during interruptions of the public electric supply, by reason of periodic testing, commissioning, or maintenance of such backup generation as permitted under § 158.048(D)(3), or by reason of operating a grid-charged battery energy storage system.

DATA CENTER FOOTPRINT. The sum of the ground-floor areas of all principal buildings, accessory structures, and energy systems that comprise the Data Center. Open land between such buildings and structures is not included in the Data Center Footprint. The footprint does not include perimeter fencing or visual buffers,

parking areas and drives, stormwater basins necessary to ensure compliance with Chapter 155 of the code, nor transmission lines or portions thereof that are required to connect the Data Center to a utility outside the Data Center's perimeter.

DATA CENTER PRINCIPAL USE OR STRUCTURE. Any structure or building that is used primarily for the storage, management, processing, or transmission of data, which includes, but is not limited to, any building designed or used to accommodate and house computer servers, storage systems, or specialized computing hardware.

PHYSICAL CONSTRUCTION (DATA CENTER FACILITY). The excavation or movement of earth, erection of forms or structures, or similar activities undertaken in the construction of a Data Center facility. This term does not include any activity or construction undertaken prior to the issuance of all approvals and permits, if any, as may be required by applicable state or federal statutes.

Amend § 158.048 (Requirements for Data Centers):

(A) Purpose. The purpose of this section is to facilitate the siting, development, construction, and installation of Data Centers in the City of Hopkinsville in a predictable manner that promotes and protects the safety, health, and welfare of the community. This section encourages the appropriate siting of Data Centers to bolster local economic development and job creation, promote new technologies and innovation, preserve the city's energy grid and water resources, and reduce potential environmental impacts. This section also establishes standards and requirements to ensure that the use and enjoyment of land located adjacent to and in the proximity of Data Centers are fully protected. The requirements of this section are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws and regulations.

Because the land-use impacts addressed by this section — including air emissions, fuel storage, fire load, noise, and thermal discharge — arise principally from on-site or co-located electric generation, the supplemental siting standards in subsections (D)(2), (D)(3), and (D)(10) and in subsection (E) are calibrated to the presence and operation of on-site or co-located electric generation. These standards are not intended, and shall not be construed, to favor or disfavor any particular source, supplier, or geographic origin of grid-delivered electric power.

(B) Applicability. This section applies to the siting, construction, installation, and operation of new Data Centers within the City of Hopkinsville on or after the effective date of these provisions. A Data Center in operation, or which has begun physical construction prior to this section's effective date, shall be considered to have legal nonconforming status in accordance with KRS 100.253 and § 158.090 of this chapter. A Data Center use shall be deemed to have lawfully commenced, and to constitute a legal nonconforming use, if the use was not prohibited by the zoning regulations in effect where and when it commenced, notwithstanding any business-license or similar regulatory matter arising after commencement that has since been cured. The repair, maintenance, replacement, or upgrading of equipment within such an existing Data Center, and the conversion, renovation, or reconfiguration of existing buildings, structures, modular units, containers, or equipment enclosures within the boundaries of the existing Data Center site, are a continuation of the lawful nonconforming use and do not constitute new construction, enlargement, or expansion of the use. Such activities shall not, of themselves, subject the existing Data Center to the setback requirements of subsection (D)(2) or the alternative setback of subsection (D)(1),

provided that they do not extend the Data Center Footprint beyond the boundaries of the site as it lawfully existed on the effective date of this section.

(1) Exemptions. The following are not subject to this section:

(a) Modification to an existing Data Center that alone or in combination increases the total Data Center Footprint by no more than five percent (5%) of the original footprint;

(b) Routine maintenance and repair, including the repair, maintenance, replacement, or upgrading of computer servers, storage systems, specialized computing hardware, or other equipment within an existing Data Center, and the conversion, renovation, or reconfiguration of existing buildings, structures, modular units, containers, or equipment enclosures within the boundaries of the existing Data Center site, not increasing the Data Center Footprint; and

(c) Any Data Center service facilities exempted by the provisions of KRS 100.324. Any exempt facility shall provide the Planning Commission information concerning service facilities that have been located or relocated on private property in accordance with KRS 100.324(3).

(2) Notwithstanding the exemptions provided by this section, a Data Center shall comply with all applicable federal, state, and local laws, regulations, and permitting and other requirements, and applicable building, fire, electrical, and plumbing codes.

(C) Permit Required. A zoning/building permit is required prior to the physical construction or siting of a Data Center in the City of Hopkinsville. Data Centers are subject to the site plan review requirements of §§ 158.255 through 158.261 and,

where applicable, the conditional use permit requirements of §§ 158.110 through 158.118 of this chapter.

(D) General Requirements Applicable to Data Centers. Where permitted, Data Centers are subject to the following standards.

(1) Application based on on-site generation. The setback requirements of subsection (2), the energy-system requirements of subsection (3), and the clustering limitation of subsection (10) apply in full to On-Site Generation Data Centers. A Grid-Served Data Center is not subject to the setback requirements of subsection (2), the energy-system requirements of subsection (3), or the clustering limitation of subsection (10), except as provided in this paragraph. Notwithstanding the classification of a Grid-Served Data Center by Data Center Footprint, any Grid-Served Data Center with a connected electrical load of one hundred (100) megawatts or more, or that requires new transmission-level (as distinguished from distribution-level) interconnection, shall require a conditional use permit under §§ 158.110 through 158.118. Notwithstanding any other provision of this paragraph, a Grid-Served Data Center with a Data Center Footprint of one hundred thousand (100,000) square feet or less, all of whose backup electric generation is non-combustion and consists solely of battery energy storage systems, fuel cells, or a combination thereof, shall not be subject to the setback requirements of subsection (2) or to the two-hundred-foot or three-hundred-foot setbacks otherwise established in this paragraph, and shall instead be subject only to the setbacks otherwise required for the zoning district in which it is located, subject to the three-hundred-foot residential buffer established below in this paragraph. In lieu of the setbacks in subsection (2), a Grid-Served Data Center with a Data Center Footprint greater than

one hundred thousand (100,000) square feet shall maintain a minimum setback of two hundred (200) feet, measured from the Data Center Footprint to the perimeter boundary of the overall development site, provided that all backup electric generation it maintains is non-combustion and consists solely of battery energy storage systems, fuel cells, or a combination thereof. For purposes of this subsection, fencing, screening and visual buffers, areas for vehicular parking and drives, and stormwater basins may be located within the two-hundred-foot setback. Contiguous parcels under common ownership or control, including parcels that are separated only by an intervening public right-of-way, shall be treated as a single development site, and the two-hundred-foot setback shall be measured to the outer perimeter boundary of that combined development site. Every Data Center, whether Grid-Served or On-Site Generation and regardless of its Data Center Footprint, shall maintain a minimum setback of three hundred (300) feet, measured from its Data Center Footprint, from the boundary of any residential zoning district and from any existing dwelling, school, or public park. A Grid-Served Data Center that maintains any combustion-based backup generation, including any diesel- or natural-gas-fired generator, shall instead be subject to the setback requirements of subsection (2) applicable to its size tier. For purposes of this paragraph, the following do not constitute combustion-based backup generation: (i) code-required, engine-driven fire pumps; (ii) temporary generation used solely for construction or commissioning for a cumulative period not exceeding sixty (60) days; and (iii) life-safety equipment with an aggregate rated capacity of five hundred (500) kilowatts or less. A Grid-Served Data Center whose only combustion-fueled equipment consists of the foregoing shall be treated as maintaining non-combustion backup generation for purposes of this paragraph. Any

backup generation, fuel storage, or battery energy storage system maintained by a Grid-Served Data Center remains subject to subsection (3) and to the battery-storage requirements of subsection (E). Every Data Center, whether Grid-Served or On-Site Generation, remains subject to the cooling (4), waste-heat (5), noise (6), lighting (7), screening (8), and district (9) standards of this section and to the generally applicable site-plan and building requirements of this chapter. Nothing in this section authorizes regulation of the service facilities of any utility exempted under KRS 100.324, or impairs the authority of a municipally owned electric system under KRS Chapter 96 to furnish electric service.

(2) Setbacks. Subject to subsection (D)(1), a Data Center's principal use or structure, accessory use or structure, and energy system shall be set back from all lot lines as follows:

a) Small-Scale Data Centers shall be set back a minimum of 300 feet;

b) Medium-Scale Data Centers shall be set back a minimum of 500 feet, provided any emission point or exhaust stack shall be set back a minimum of 1,000 feet from the property boundary and 2,000 feet from the property boundary of any adjacent property containing a residential, public, or semi-public use or any property zoned EST-1, R-1, R-2, R-3, R-4, R-5, B-1, or P-1; and

c) Large-Scale Data Centers shall be set back a minimum of 1,500 feet, provided an emission point or exhaust stack shall be set back a minimum of 2,000 feet from any property boundary.

d) Exception. The setback provisions of this subsection do not apply to transmission and distribution powerlines, pipelines for delivering electricity or natural gas to the property, fencing, buffering, areas for vehicular parking, and ingress/egress for road and rail traffic.

e) In the approval of a conditional use permit, the Board of Zoning Adjustment may establish setbacks in addition to or more restrictive than the requirements of this subsection pursuant to the review criteria and accompanying findings required by § 158.110 et seq. and this section. Notwithstanding the foregoing, a Grid-Served Data Center shall be subject only to the setback established for it in subsection (D)(1), and no additional or more restrictive setback shall be required or imposed upon a Grid-Served Data Center under this paragraph (e).

f) A variance from the setbacks required by any provision of this ordinance may be granted by the Board of Zoning Adjustment pursuant to § 158.307 or, in the case of zoning map amendment, by the Planning Commission pursuant to § 158.243 of the City Code of Ordinances, as amended.

(3) Energy Systems. Where permitted, Data Center Energy Systems shall be subject to the following requirements:

a) All energy systems, including but not limited to generators, fuel storage tanks, and utility substations, are prohibited from the front yard and shall be placed to the rear of the front-most principal Data Center use or structure.

b) When a Data Center Energy System involves the use of Solar Energy Systems (SES), the SES shall, in addition to the standards of this section, conform to the requirements of § 158.045.

c) Backup power generation using diesel fuel, natural gas, or battery energy storage systems is allowed for use at a Data Center. Gas or battery storage is preferred over diesel due to emissions concerns.

d) Backup diesel generators shall be a minimum of Tier IV (or the highest Environmental Protection Agency industry standard available at the time of application) and shall meet all applicable local, state, and federal emission and performance standards to minimize adverse effects from the generator emissions.

e) Except for generator testing or commissioning activities, generator use shall be limited to backup and emergency use only when the primary source of electricity is interrupted or unavailable. Continuous generator use outside of power outages or interruptions is prohibited.

f) Generators shall be tested no more than once per week per unit, and only during the hours of 12 P.M. to 5 P.M. Monday through Friday.

g) If diesel fuel is used for a backup generator, the application for permit shall include information demonstrating that the fuel will be delivered during non-peak daytime hours, that storage of the fuel will conform to all applicable fire and safety standards, and that the storage vessel is equipped with secondary containment to contain any release.

(4) Cooling Requirements. Data Center design, construction, and operation shall incorporate the following: (a) all liquid-cooled equipment must be designed to utilize a closed-loop system; (b) water used for liquid cooling systems must come from a public water system and not from any private well, river, or quarry intake system; and (c) water discharge from liquid cooling systems shall occur only after treatment (if

required) and only in accordance with all applicable local, state, and federal water pretreatment and discharge permit requirements, in conformity with Chapter 52 of the Hopkinsville Code of Ordinances and state water quality standards.

(5) Waste Heat. Data Center design, construction, and operation shall prevent thermal discomfort, hazard, or damage to persons, animals, vegetation, or property beyond the external perimeter property lines of the Data Center; shall not raise the ambient temperature at any external perimeter property line by more than five (5) degrees Fahrenheit above the temperature at a comparable control location unaffected by the Data Center, as measured at a height of four feet above ground level and averaged over any sixty (60)-minute period; and shall employ shielding, insulation, baffles, louvers, or dispersion devices on outdoor and rooftop or wall-mounted equipment to minimize radiant heat and heat-plume impacts on neighboring properties and public rights-of-way.

(6) Noise. The operation of a Data Center shall conform to the noise standards and limitations imposed by Chapter 96 of the Hopkinsville Code of Ordinances.

(7) Lighting. Where permitted, Data Center lighting shall comply with full-cutoff and dark-sky standards: horizontal-surface luminaires shall be aimed downward and shielded; non-horizontal-surface luminaires shall be shielded and not limited to facades; illumination measured line-of-sight from any point on an external perimeter property line shall not exceed 0.1 footcandle; and pole-mounted and roof lighting shall comply with the height and placement limits established by this subsection.

(8) Screening. In addition to the buffering and landscaping requirements of §§ 158.210 through 158.228, perimeter screening consisting of an eight-foot tall fence and a double row of staggered evergreen trees (minimum five feet in height

at planting, maturing to a minimum of fifteen feet, achieving an opacity of 90% to a height of no less than eight feet within three years of planting) shall be installed within one hundred eighty (180) days of the start of physical construction and maintained continuously, and shall be placed along the entire perimeter of the Data Center property excluding perimeter areas designed for and limited to vehicle and rail access and clearance areas required for electric and gas line transmission.

(9) District Standards; Standards of General Applicability.

Except as provided in this section, Data Centers shall conform to the requirements of the zoning district in which they are located and all other standards applicable thereto.

(10) Clustering Prohibited. No Data Center shall be located within 1,500 feet of another Data Center. This distance shall be measured from the nearest property line containing a Data Center to the nearest property line of an adjacent tract containing a Data Center.

Amend § 158.110 (Application Required; Supplemental Information and Exhibits):

(E) Application Required; Supplemental Information and Exhibits. In addition to the application requirements of § 158.110 et seq. (Conditional Use Permit, Plan Review) and § 158.275 et seq. (Zoning/Building Permit), an application to establish or enlarge a Data Center shall include:

(1) A site plan showing all structures and facilities to be used or constructed to support the Data Center operations, including all water, wastewater, electric, natural gas, and other infrastructure, and public utility service facilities.

(2) Identification and description of any existing or proposed transmission lines and other facilities that would be required to connect the proposed facilities to the grid, and any permits or approvals needed to support such construction.

(3) Identification of any existing or proposed pipelines or gas transmission lines and other facilities required to deliver natural gas or other gases or liquids to the facilities for use in heating or power generation.

(4) A description of any power sources proposed to be constructed or sited and operated, including emissions profile, noise, and copies of applications for any required state or federal air permits. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, shall be approved only in accordance with any zoning regulations that allow and are applicable to such use.

(5) Information concerning any proposed grid interconnection.

(6) Documentation, including written verification from the applicable service providers, demonstrating that: (a) public utility capacity and related electrical infrastructure sufficient in size and capacity is or will be made available to ensure that the requirements of the proposed project can be safely accommodated without adverse effect on the availability, reliability, quality, or safety of the electric service to other customers; (b) any system designed for cooling and operation of the facility (whether by electricity, water, or other means) will meet all applicable standards of this ordinance as well as state and federal law; (c) water, stormwater, and wastewater management and treatment capacity sufficient in size and capacity is or will be made available to ensure that the requirements of the proposed project can be safely accommodated without adverse effect on the availability, reliability, quality, or safety of those services to other customers; and (d) any enhancements or improvements required in order for such utility services to continue to be available without adverse effect or additional cost to existing customers will be in place before operation of the proposed project. For a Grid-Served Data Center, a will-serve letter

or standard service commitment issued by the serving utility in the ordinary course satisfies subparagraph (a). Nothing in this subsection shall be applied to require the approval, or condition the provision, of electric service by a utility whose service facilities are exempted under KRS 100.324.

(7) A description of the processes that will be used for management of all water and wastewater (including equipment cooling, humidity maintenance, process, and sanitary wastewater) and stormwater run-on and run-off, in accordance with all local, state, and federal requirements.

(8) Demonstration that any proposed battery storage or other energy-storage device or group of devices complies with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards, and includes fire suppression systems designed specifically for battery storage.

Amend § 158 Appendix A (Schedule of Uses) to add:

Data center, small-scale (Grid-Served) — As of Right (R) in the I-1 and I-2 districts; Conditional Use (CU) in the B-1, B-2, B-3, and B-4 Districts; prohibited elsewhere.

Data center, small-scale (On-Site Generation) — Conditional Use (CU) in the B-4, I-1, and I-2 Districts; prohibited elsewhere.

Data center, medium-scale (Grid-Served) — As of Right (R) in the I-1 and I-2 districts; Conditional Use (CU) in the B-3 and B-4 Districts; prohibited elsewhere.

Data center, medium-scale (On-Site Generation) — Conditional Use (CU) in the B-4, I-1, and I-2 districts; prohibited elsewhere.

Data center, large-scale (Grid-Served) — As of Right (R) in the I-1 and I-2 districts; Conditional Use (CU) in the B-3 and B-4 Districts; prohibited elsewhere.

Data center, large-scale (On-Site Generation) — Conditional Use (CU) in the I-2 district; prohibited elsewhere.

Data center, hyper-scale — Prohibited in all districts.