RESOLUTION NO. 236 -2026

A RESOLUTION DECLARING A MORATORIUM: 1) ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONE MAP AMENDMENTS SEEKING TO CHANGE THE ZONE OF ANY PROPERTY IN LEXINGTON-FAYETTE COUNTY, IF THE APPLICATION INCLUDES A PRELIMINARY DEVELOPMENT PLAN REFLECTING A DATA CENTER AS THE PROPOSED USE; AND, 2) ON THE ACCEPTANCE AND REVIEW OF DEVELOPMENT PLANS FOR DATA CENTERS, IN ANY ZONE; AND, 3) ON THE URBAN COUNTY GOVERNMENT'S ISSUANCE OF ANY PERMITS, APPROVALS, AND AUTHORIZATIONS NECESSARY TO THE OPERATION OF DATA CENTERS, IN ANY ZONE, IN ORDER TO PROVIDE THE URBAN COUNTY GOVERNMENT TIME TO EXAMINE AND REVIEW THE REGULATION, PROCESSING, AND IMPACT OF DATA CENTERS IN LEXINGTON-FAYETTE COUNTY, AND TO PROVIDE TIME TO REVIEW, CONSIDER, AND AMEND, IF NECESSARY, ANY ORDINANCES RELATED TO DATA CENTERS IN LEXINGTON-FAYETTE COUNTY SO THAT IT MAY ENSURE THE PROPER INTEGRATION OF THESE USES INTO THE ADOPTED LAND USE AND ZONING SCHEME; SAID MORATORIUM BEING IN PLACE FROM THE EFFECTIVE DATE OF THIS RESOLUTION UNTIL OCTOBER 31, 2026.

WHEREAS, a moratorium on the acceptance and processing of applications for zone map amendments seeking to change the zone of any property in Lexington-Fayette County, if the application is for the express purpose of creating a data center; and, a moratorium on the acceptance and review of development plans for data centers in any zone within the Urban County Government, and a moratorium on the issuance of any permits, approvals, and authorizations necessary to the operation of data centers, in any zone, are necessary and appropriate so that the Urban County Council may consider and weigh the benefits in allowing data centers in Lexington-Fayette County, given the recent uptick in demand for same, with the burdens they may impose on local resources, as identified by residents and appointed officials, such as: (1) the environmental impact of data centers within Lexington-Fayette County; (2) nuisances created by data centers within Lexington-Fayette County; and, (3) residential energy costs related to the operation of data centers.

WHEREAS, the Urban County Council is soon to initiate a request that the Planning Commission make recommendations on a Zoning Ordinance Text Amendment(s) to better define and regulate data centers, and which, if implemented, could further impact which zones allow the use, and which will require the Planning Commission hold a public hearing on any Zoning Ordinance Text Amendment it recommends;

WHEREAS, the Urban County Government will then need sufficient time to study the recommended Zoning Ordinance Text Amendment(s), review any research the Urban County Council deems appropriate, and review the comments received from residents and appointed officials regarding data centers;

WHEREAS, this review is estimated to take at least four to six months, in order for the Planning Commission and the Urban County Council to consider the concerns described herein, and in order to implement any appropriate changes relating thereto, including any amendments to ordinances, if such amendments are determined to be necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That a moratorium is hereby declared on the acceptance and processing of applications for zone map amendments that seek to change any zone in Lexington-Fayette County, if the application includes a preliminary development plan reflecting a data center as the proposed use on the property.

Section 2 - That a moratorium is also hereby declared on the acceptance and review of development plans for data centers in any zone within the Urban County Government.

Section 3 – That a moratorium is also hereby declared on the issuance of any permits, approvals, and authorizations necessary to the operation of data centers, in any zone within the Urban County Government.

Section 4 – That all Divisions within the Urban County Government are directed to refuse to accept, process, review or issue any zone map amendment applications, development plans, or permits/approvals/authorizations as referenced in Sections 1-3, with the exception of applications already filed, if any, for the duration of this moratorium.

Section 5 – That the purpose of this moratorium is to allow the Urban County Government sufficient time to review and consider issues related to data centers, and

implement any changes relating thereto, including any amendments, if determined to be necessary, to any ordinances related to data centers in Lexington-Fayette County.

Section 6 – That this moratorium shall be place upon the effective date of this Resolution until October 31, 2026.

Section 7 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 9, 2026

Linda Gorton

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

0528-26:BGS:4934-7198-0211, v. 1

MOTION

I move to place on the docket a resolution initiating Zoning Ordinance text amendments to regulate data centers in Lexington-Fayette Urban County Government, including but not limited to sections 8 and 21, in order to provide new definitions, change allowable or permitted uses in various zones, and provide clarity on development plan considerations, to ensure proper integration of this land use into the urban county planning and zoning scheme.

_____
Councilmember

To be made at the June 9, 2026 Council meeting

4938-2725-0355, v. 1

RESOLUTION NO. 235 -2026

A RESOLUTION INITIATING ZONING ORDINANCE TEXT AMENDMENTS TO REGULATE DATA CENTERS IN LEXINGTON-FAYETTE COUNTY, INCLUDING BUT NOT LIMITED TO SECTIONS 8 AND 21, IN ORDER TO PROVIDE NEW DEFINITIONS, CHANGE ALLOWABLE OR PERMITTED USES IN VARIOUS ZONES, AND PROVIDE CLARITY ON DEVELOPMENT PLAN CONSIDERATIONS, TO ENSURE PROPER INTEGRATION OF THIS LAND USE INTO THE URBAN COUNTY PLANNING AND ZONING SCHEME.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Zoning Ordinance text amendments to Sections 8 and 21 and any other applicable section, to regulate Data Centers, and ensure proper integration of this land use into the Urban County Planning and Zoning Scheme, be and hereby are initiated by this Council; and

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: June 9, 2026

Linda Gorton
MAYOR

ATTEST:
CLERK OF URBAN COUNTY COUNCIL

0529-26:BGS:4915-2706-9875, v. 1

MOTION

Because the demand for computer and data centers has increased in Kentucky, while the Lexington-Fayette Urban County Zoning Ordinance contains no definition or regulations for same, and because the urban county government needs time to examine and review the regulation, processing, and impact of data centers in Lexington-Fayette County, and the Urban County Council also needs time to review, consider, and amend, if necessary, any ordinances related to data centers in Lexington-Fayette County so that it may ensure the proper integration of these uses into the adopted land use and zoning scheme —

I **move to place on the docket a resolution declaring a moratorium, which shall remain in effect until no later than October 31, 2026, and shall apply to the following three (3) actions:**

1) on the Urban County Government's acceptance and processing of applications for zone map amendments seeking to change the zone of any property in Lexington-Fayette County, if that application includes a preliminary development plan showing a data center as the proposed use; and,

2) on the Urban County Government's acceptance and review of development plans for data centers, in any zone; and,

3) on the Urban County Government's issuance of any permits, approvals, and authorizations necessary to the operation of data centers, in any zone.

_____

Councilmember

motion to be made during the June 9, 2026, regularly scheduled Council Meeting

4901-1312-8883, v. 1

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 1-11: Definitions

…

Data center means all or a portion of a permanent building primarily engaged in the storage, management, processing, and transmission of digital data, housing computer and network equipment, systems, servers, appliances and other associated components related to digital data operations, regardless of whether such facility serves on- or off-site users. Data centers may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center. The term excludes server rooms.

Data center, major means a data center with more than 50,000 square feet of total floor area and which may include one or more electrical substations.

Data center, minor means a data center with up to 50,000 square feet of total floor and which may include one electrical substation.

…

Server room means one or more designated areas within a principal use, except a data center, housing computer and network equipment, systems, servers, appliances, and other associated hardware components related to digital data operations for its own use and where the total floor area of all such areas does not exceed 2,000 square feet or 10% of the principal use, whichever is more.

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-1 Agricultural Rural (A-R) Zone

…

e) Prohibited Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)

36. Major and minor data centers

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-2 Agricultural Buffer (A-B) Zone

…

e) *Prohibited Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)*

36. Major and minor data centers

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-2 Agricultural- Natural Areas (A-N) Zone

…

e) *Prohibited Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)*

36. Major and minor data centers

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-15 Professional Office (P-1) Zone

…

b) *Principal Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)*

…

~~12. Computer and data processing centers~~

c) *Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)*

…

11. Server rooms

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-16 Neighborhood Business (B-1) Zone

…

c) *Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)*

…

11. Server rooms

e) *Prohibited Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)*

…

2. Major and minor data centers, warehouses, ~~as well as~~ and storage uses, except as accessory uses herein.

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-17 Downtown Business (B-2) Zone

…

c) *Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)*

…

11. Server rooms

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-19 Downtown Frame Business (B-2B) Zone

…

b) Principal Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)

…

~~23. Computer and data processing centers~~

c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

…

7. Server rooms

e) Prohibited Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)

…

2. Major and minor data centers, warehouses, ~~as well as~~ and storage uses, except as accessory uses herein.

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-20 Corridor Business (B-3) Zone

…

c) *Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)*

…

12. Server rooms

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-21 Wholesale and Warehouse Business (B-4) Zone

…

c) *Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)*

…

11. Server rooms

d) *Conditional Uses*

8. Minor data centers, but only when the following conditions are met:

a. Applications shall provide the following information:

1) A water consumption plan outlining the total water requirements of the data center, including cooling needs, and any strategies to reduce or mitigate excessive water usage. The plan shall demonstrate that the water usage will not significantly strain Lexington-Fayette County's water supply.

2) A water conservation and sustainability plan which includes measures to minimize the data center's impact on water resources, such as the use of water-efficient cooling technologies and closed-loop systems.

3) An energy consumption plan outlining estimates of peak electricity demand and strategies for mitigating strain on local power infrastructure, including proposed improvements or alternatives to minimize the need for additional transmission lines.

4) Transmission line impact assessment identifying the need for new or upgraded transmission lines to meet the data center's electricity requirements. This assessment shall include the potential environmental impact on public land, including tree removal from public land and rights-of-way.

5) Noise plan which includes measures to comply with the noise standards specified in subsection (b)(2) below.

b. The use shall comply with the following noise standards, in addition to the standards of Sections 14-70 through 14-80 of the Code of Ordinances:

1) Mechanical equipment, including generators, utility substations, and other power supply equipment, shall be fully enclosed and vertically screened on all sides by 100% opaque walls with sound attenuation properties.

2) The use shall not produce continuous sound that exceeds an average of 65 decibels over any 30-minute period from 8 AM to 6 PM, measured at any adjacent property boundary between the data center site and a residential zone. Nor shall data center operations produce continuous sound that exceeds an average of 55 decibels over any thirty-minute period from 6 PM to 8 AM,

measured at any adjacent property boundary between the site and a residential zone.

3) After issuance of the certificate of occupancy for each data center building, the Urban County Government may obtain sound studies or require the data center operator to provide a sound study to verify that the operation is in compliance with the requirements of subsection (b)(2) above. If a data center is found to be in violation of these requirements, the Urban County Government shall issue a notice of violation, and proceed through the zoning enforcement process established by Section 5.

c. No data center building, air handlers, power generators, water cooling and storage facilities, utility substations, or other associated utility infrastructures shall be located within 1,000 feet of a residential zone or an agricultural zone located outside the urban service area.

d. No data center shall be located within 1,000 feet of a school, daycare center, or other childcare services.

e. The use shall provide the same 50-foot-wide perimeter landscaping that is required in Section 18-3(A)(1)(10) along all common boundaries, except street frontage, that abut a residential zone.

f. Generators associated with the use shall be tested no more than once per week per unit. Such testing shall only occur during the hours of 12:00 PM to 6:00 PM, Monday through Friday. 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.

g. All external ventilation on structures associated with the data center shall 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.

h. The Board of Adjustment shall specifically consider and be able to find:

1) That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties; and

2) That the proposed use will not overburden public infrastructure or utilities.

e) Prohibited Uses

…

18. Major data centers

…

o) Special Provisions

…

In addition to the uses permitted in Subsection (b) of this section, the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

a. Offices and laboratories ~~and data processing centers~~, limited to a maximum of seventy-five percent (75%) of the floor area of the building or project. This square footage limitation shall not apply if the project is located within the defined Infill and Redevelopment Area.

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-22 Light Industrial (I-1) Zone

…

c) *Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)*

…

11. Server rooms

d) *Conditional Uses*

…

8. Minor data centers, but only when the following conditions are met:

a. Applications shall provide the following information:

1. A water consumption plan outlining the total water requirements of the data center, including cooling needs, and any strategies to reduce or mitigate excessive water usage. The plan shall demonstrate that the water usage will not significantly strain Lexington-Fayette County's water supply.
2. A water conservation and sustainability plan which includes measures to minimize the data center's impact on water resources, such as the use of water-efficient cooling technologies and closed-loop systems.
3. An energy consumption plan outlining estimates of peak electricity demand and strategies for mitigating strain on local power infrastructure, including proposed improvements or alternatives to minimize the need for additional transmission lines.
4. Transmission line impact assessment identifying the need for new or upgraded transmission lines to meet the data center's electricity requirements. This assessment shall include the potential environmental impact on public land, including tree removal from public land and rights-of-way.
5. Noise plan which includes measures to comply with the noise standards specified in subsection (b)(2) below.

b. The use shall comply with the following noise standards, in addition to the standards of Sections 14-70 through 14-80 of the Code of Ordinances:

1. Mechanical equipment, including generators, utility substations, and other power supply equipment, shall be fully enclosed and vertically screened on all sides by 100% opaque walls with sound attenuation properties.
2. The use shall not produce continuous sound that exceeds an average of 65 decibels over any 30-minute period from 8 AM to 6 PM, measured at any adjacent property boundary between the data center site and a residential zone. Nor shall data center operations produce continuous sound that exceeds an average of 55

decibels over any thirty-minute period from 6 PM to 8 AM, measured at any adjacent property boundary between the site and a residential zone.

3. After issuance of the certificate of occupancy for each data center building, the Urban County Government may obtain sound studies or require the data center operator to provide a sound study to verify that the operation is in compliance with the requirements of subsection (b)(2) above. If a data center is found to be in violation of these requirements, the Urban County Government shall issue a notice of violation, and proceed through the zoning enforcement process established by Section 5.

c. No data center building, air handlers, power generators, water cooling and storage facilities, utility substations, or other associated utility infrastructures shall be located within 1,000 feet of a residential zone an agricultural zone located outside the urban service area.

d. No data center shall be located within 1,000 feet of a school, daycare center, or other childcare services.

e. The use shall provide the same 50-foot-wide perimeter landscaping that is required in Section 18-3(A)(1)(10) along all common boundaries, except street frontage, that abut a residential zone

f. Generators associated with the use shall be tested no more than once per week per unit. Such testing shall only occur during the hours of 12:00 PM to 6:00 PM, Monday through Friday. 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.

g. All external ventilation on structures associated with the data center shall 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.

h. The Board of Adjustment shall specifically consider and be able to find:

1) That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties; and

2) That the proposed use will not overburden public infrastructure or utilities.

e) Prohibited Uses

…

18. Major data centers

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-23 Heavy Industrial (I-2) Zone

…

e) Prohibited Uses

…

2. Major and minor data centers

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 8-24 University Research Campus (P-2) Zone

…

b) Principal Uses. (Other uses substantially similar to those listed herein shall also be deemed permitted.)

…

~~10. Computer and data processing centers~~

…

e) Prohibited Uses. (All uses other than those listed as principal, accessory, or conditional uses, or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses and are not intended to be a total listing of all the uses that are prohibited.)

…

10. Major and minor data centers

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

APPENDIX 22C Industrial Redevelopment Planned Unit Development (PUD-3) Zone

Section 22C-4 – Permitted Uses.

…

c) *Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)*

…

4. Server rooms

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 23A-9 Community Center (CC) Zone

…

b) Principal Uses.

…

~~10. Computer and data processing centers~~

c) Accessory Uses.

…

15. Server rooms

ZOTA-26-00008: REGULATION OF DATA CENTERS

DRAFT Text Amendment *6/22/2026*

Section 23A-10 Economic Development Zone

…

b) Principal Uses.

…

~~2. Computer and data processing centers~~

c) Accessory Uses.

…

11. Server rooms