

ORDINANCE NO. 26-006

**AN ORDINANCE OF THE TOWN OF KINGSTON SPRINGS,
TENNESSEE, IMPOSING A TEMPORARY MORATORIUM ON THE
ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS
FOR LAND USE, ZONING, BUILDING, SITE PLAN, OR CONDITIONAL
USE PERMITS FOR HIGH RESOURCE USAGE FACILITIES;
REQUIRING A STUDY OF INFRASTRUCTURE, ENVIRONMENTAL,
ACOUSTIC, AND UTILITY IMPACTS; PROVIDING FOR
EXEMPTIONS; PROVIDING FOR SEVERABILITY**

WHEREAS, pursuant to T.C.A. § 13-7-201 et seq, the Town of Kingston Springs, TN possesses the authority to regulate land use, zoning, and development to protect the health, safety, and general welfare of its citizens; and,

WHEREAS, there has been a significant surge in interest, site inquiries, and development applications for "High Resource Usage Facilities" across the State of Tennessee; and,

WHEREAS, these facilities consume exceptionally high amounts of electrical energy and water, potentially straining public utility grids, driving up infrastructure costs for local ratepayers, and impacting local aquifers and public water supplies; and,

WHEREAS, the State of Tennessee recently enacted utility ratepayer protections (such as Public Chapter 796 / HB 1847) to manage infrastructure costs associated with high-demand users, signaling a critical state interest in regulating the impacts of these industries; and,

WHEREAS, high resource usage facilities create persistent, low-frequency ambient noise from operational processes, electrical substations, and manufacturing processes which can travel significant distances and negatively impact the peace, quiet, and property values of nearby residential areas; and,

WHEREAS, the City's current zoning ordinances and land use plans do not adequately address the unique infrastructure, environmental, acoustic, and community utility impacts of high resource usage facilities; and,

WHEREAS, the City finds that a temporary pause on these specific developments is necessary to allow the Planning Commission and staff sufficient time to study these impacts, coordinate with local utility providers, and draft comprehensive, permanent zoning text amendments.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Kingston Springs, Tennessee as follows:

SECTION 1: DEFINITIONS

For the purposes of this Ordinance, the following definitions apply:

- High Resource Usage Facility is a building or site that puts a heavy strain on public services. These facilities use large amounts of water, electricity, or land, and often produce intense noise or traffic.

SECTION 2: IMPOSITION OF TEMPORARY MORATORIUM

From and after the effective date of this Ordinance, a temporary moratorium is hereby established on the acceptance, processing, review, and approval by any City department, board, or commission of any application for a zoning change, conditional use permit, site plan review, building permit, or variance for any new high resource usage facility within the jurisdictional boundaries of the Town of Kingston Springs, TN, Tennessee.

SECTION 3: EXEMPTIONS

This moratorium shall not apply to:

1. Any legally established high resource usage facility operating prior to the effective date of this Ordinance, provided there is no expansion of the physical footprint, structure height, or utility capacity.
2. Any application for a high resource usage facility that was formally submitted, fully completed, and legally vested under Tennessee's Vested Property Rights Act (T.C.A. §13-4-310 or T.C.A. §13-3-413) prior to the first reading of this Ordinance.

SECTION 4: DURATION

This moratorium shall remain in full force and effect for a period of **twelve (12) months** from the effective date of this Ordinance, unless repealed, extended, or modified by an official vote and passage of an amending ordinance by the Mayor and City Commission.

SECTION 5: STUDY AND PLANNING INDICATION

During the moratorium period, the Planning Commission and municipal staff are directed to research, analyze, and draft permanent text amendments to the Zoning Ordinance regulating the location, design, utility requirements, and environmental standards for high resource usage facilities, specifically addressing the following criteria:

A. Noise Mitigation and Acoustic Standards

1. Low-Frequency Drone Control: Establish maximum decibel limits (e.g., a maximum of 45 dBA at the property line) that account for the continuous, low frequency hum of manufacturing processes, cooling fans, substations and traffic.
2. Mandatory Acoustic Enclosures: Evaluate requiring all primary HVAC equipment, chillers, and generators to be housed within fully enclosed, sound-insulated structures.
3. Sound Studies: Require future applicants to submit a pre-construction predictive sound study designed by a licensed acoustic engineer, followed by a post construction compliance audit.

Buffer Zones: Evaluate a mandatory physical buffer zone (e.g., a minimum of 1,500 feet to a half mile) between any high resource usage facility and the nearest residential zoning district, school, or public park.

B. Water Conservation and Infrastructure Protection

1. Evaluate all cooling methods to determine the most efficient water consumption type(s).

2. Water Usage Effectiveness (WUE): Investigate setting a strict maximum WUE threshold (e.g., not to exceed 0.2 liters per kilowatt-hour) for high resource usage facilities.
3. Wastewater Restrictions: Review the chemical additives used in high resource usage cooling mechanisms and storage of coolant to establish strict pretreatment standards before any water can be discharged into ditches, drainage ways, or sewer system.
4. Stormwater Runoff: Formulate enhanced on-site retention, detention, and drainage infrastructure requirements to handle the impervious surface areas characteristic of these facilities.

C. Utility Infrastructure Cost Allocation

1. Coordinate with the local electrical power board and the Tennessee Valley Authority (TVA) and local electrical providers to ensure zoning alignment with T.C.A. requirements, ensuring that data center developers bear 100% of the cost for necessary electrical substation expansions and high-voltage line extensions rather than passing costs to local ratepayers.
2. Coordinate with potable and non-potable water utility Districts ensuring that high resource usage developers bear 100% of the cost for necessary water supply, usage, and water line extensions rather than passing costs to local ratepayers.

SECTION 6: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective 15 days after final passage the public welfare requiring it.

Passed 1st Reading: July 16, 2026

Public Hearing: August 20, 2026

Passed 2nd Reading: August 20, 2026

Mayor Todd Verhoven

ATTESTED:

Kellie Reed, CMFO/CMC

Approved as to legality and form:

City Attorney Timothy Potter