

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING ARTICLE II, TITLED "DEFINITIONS," TO ADD DEFINITIONS FOR A DATA CENTER AND A HIGH-INTENSITY DATA CENTER; BY AMENDING SECTION 8.01, TITLED "IND-1, INDUSTRIAL DISTRICTS," SECTION 8.02, TITLED "IND-2, INDUSTRIAL DISTRICTS," AND SECTION 8.03, TITLED "IND-3, INDUSTRIAL DISTRICTS," TO PERMIT THE BOARD OF ZONING APPEALS TO REQUEST ADDITIONAL INFORMATION AS PART OF A SPECIAL EXCEPTION APPLICATION; BY AMENDING SECTION 8.02, TITLED "IND-2, INDUSTRIAL DISTRICTS" AND SECTION 8.03, TITLED "IND-3, INDUSTRIAL DISTRICTS," TO ADD A DATA CENTER AS A PERMITTED PRINCIPAL USE; BY AMENDING SECTION 8.03, TITLED "IND-3, INDUSTRIAL DISTRICTS," TO ADD A HIGH-INTENSITY DATA CENTER BY A SPECIAL EXCEPTION AND TO PERMIT ALL USES CURRENTLY PERMITTED IN THE IND-2 DISTRICT AS PRINCIPAL USES.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to update provisions to reflect the needs of the community; and,

WHEREAS, through Resolution 7-89-2022, City Council directed the Oak Ridge Municipal Planning Commission to study and provide a recommendation to the City Council on the details of modifications to the IND-2 and IND-3 zoning districts to accommodate certain industrial activities, such as data centers and other computer-based industrial processing activities; and,

WHEREAS, the following amendments will update the Zoning Ordinance to define and provide for appropriate zoning regulations for data centers and high-intensity data centers; and,

WHEREAS, the following changes were submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission, and the Commission has approved the same; and,

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article II, titled "Definitions," is hereby amended by adding two new definitions in alphabetical order, which definitions shall read as follows:

DATA CENTER: A building or complex of buildings dedicated to the housing of a large group of networked computer servers typically used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, and other associated utility infrastructure to support operations. This definition shall not apply where such facilities are accessory or incidental to another primary use.

DATA CENTER, HIGH INTENSITY: A data center which has an estimated or actual power requirement in excess of 5 megawatts.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.01, titled "IND-1, Industrial Districts," Subsection (d), titled "Special Exception Requiring Board of Zoning Appeals Approval," is hereby amended

by deleting the first paragraph and substituting therefor the following, with the remainder of Subsection (d) unchanged:

Section 8.01 IND-1, Industrial Districts

(d) Special Exception Requiring Board of Zoning Appeals Approval:

The judgment of the Board of Zoning Appeals will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will be considerations of the effect of the industry on the environs and the general character of the entire community. Before issuing a permit, consideration will be given to the probabilities that the proposed industrial use may violate the regulations of Article XII and Article XIII Sections 13.01 through 13.06; but the issuance of a zoning compliance permit or a certificate of occupancy shall not waive the subsequent enforcement of Article XII and Article XIII Sections 13.01 through 13.06.

At the discretion of the Board of Zoning Appeals or City staff, an applicant may be asked for additional information or studies if the proposed use has the potential to have significant external impacts or may violate the provisions of Article XII. If required, such studies must provide thorough measurements and analysis of potential emissions such as noise or light, recommendations for the mitigation of negative impacts, and demonstrate that the uses can achieve compliance with applicable local, state, and/or federal requirements.

The following use or similar and no more objectionable use may be permitted:

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.02, titled "IND-2, Industrial Districts," Subsection (b), titled "Permitted Principal Uses," is hereby amended by adding "Data Centers, but not High-Intensity Data Centers" as an additional permitted principal use, as follows:

Section 8.02 IND-2, Industrial Districts

(b) Permitted Principal Uses

9. Data Centers, but not High-Intensity Data Centers

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.02, titled "IND-2, Industrial Districts," Subsection (d), titled "Special Exception Requiring Board of Zoning Appeals Approval," is hereby amended by deleting the first paragraph and substituting therefor the following, with the remainder of Subsection (d) unchanged:

Section 8.02 IND-2, Industrial Districts

(d) Special Exception Requiring Board of Zoning Appeals Approval:

The judgment of the Board of Zoning Appeals will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will be considerations of the effect of the industry on the environs and the general character of the entire community. Before issuing a permit, consideration will be given to the probabilities that the proposed industrial use may violate the regulations of Article XII and Article XIII Sections 13.01 through 13.06; but the issuance of a zoning compliance permit or a certificate of occupancy shall not waive the subsequent enforcement of Article XII and Article XIII Sections 13.01 through 13.06.

At the discretion of the Board of Zoning Appeals or City staff, an applicant may be asked for additional information or studies if the proposed use has the potential to have significant external impacts or may violate the provisions of Article XII. If required, such studies must provide thorough measurements and analysis of potential emissions such as noise or light, recommendations for the mitigation of negative impacts, and demonstrate that the uses can achieve compliance with applicable local, state, and/or federal requirements.

The following use or similar and no more objectionable use may be permitted:

...

Section 5. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.03, titled "IND-3, Industrial Districts," Subsection (b), titled "Permitted Principal Uses," is hereby amended by adding a new subsection (1) and subsequently renumbering the remainder of the subsection and by adding a new subsection (9), which new subsections shall read as follows:

Section 8.03 IND-3, Industrial Districts

(b) Permitted Principal Uses

- (1) All permitted principal uses within the IND-2 District (Section 8.02(b))

...

- (9) Data Centers, but not High-Intensity Data Centers

Section 6. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.03, titled "IND-3, Industrial Districts," Subsection (b), titled "Permitted Principal Uses," is hereby amended by correcting the reference to Section

6-714(d) in new subsection (b)(2) to be reference to Section 8.03(d) to reference the proper code section.

Section 7. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.03, titled "IND-3, Industrial Districts," Subsection (d), titled "Special Exception Requiring Board of Zoning Appeals Approval," is hereby amended by deleting the first paragraph and substituting therefor the following:

Section 8.03 IND-3, Industrial Districts

(d) Special Exception Requiring Board of Zoning Appeals Approval:

The judgment of the Board of Zoning Appeals will be guided by a desire to encourage industrial development in order to improve the basic economy. Such interest will include the promotion of orderly industrial districts containing industries compatible with each other. Judged against this interest will be considerations of the effect of the industry on the environs and the general character of the entire community. Before issuing a permit, consideration will be given to the probabilities that the proposed industrial use may violate the regulations of Article XII and Article XIII Sections 13.01 through 13.06; but the issuance of a zoning compliance permit or a certificate of occupancy shall not waive the subsequent enforcement of Article XII and Article XIII Sections 13.01 through 13.06. The Environmental Quality Advisory Board and Fire Department will be consulted in such reviews as needed.

At the discretion of the Board of Zoning Appeals or City staff, an applicant may be asked for additional information or studies if the proposed use has the potential to have significant external impacts or may violate the provisions of Article XII. If required, such studies must provide thorough measurements and analysis of potential emissions such as noise or light, recommendations for the mitigation of negative impacts, and demonstrate that the uses can achieve compliance with applicable local, state, and/or federal requirements.

The following use or similar and no more objectionable use may be permitted:

...

Section 8. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VIII, titled "Industrial Districts," Section 8.03, titled "IND-3, Industrial Districts," Subsection (d), titled "Special Exception Requiring Board of Zoning Appeals Approval," is hereby amended by adding "High-Intensity Data Centers" as a new subsection (d)(8), which new subsection shall read as follows:

Section 8.03 IND-3, Industrial Districts

(d) Special Exception Requiring Board of Zoning Appeals Approval:

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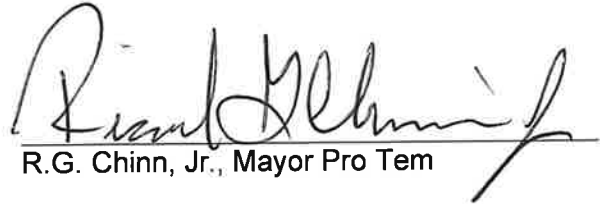
8. High-Intensity Data Centers

Section 9. The changes shall be imposed upon said map and shall be as much a part of Ordinance No. 2 as if fully described therein.

Section 10. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:


Tammy M. Dunn, City Attorney


R.G. Chinn, Jr., Mayor Pro Tem


Mary Beth Hickman, City Clerk

First Reading: 10/10/2022
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