

HAMBLEN COUNTY, TENNESSEE

ORDINANCE NO. ____

AN INTERIM MORATORIUM ON HIGH-INTENSITY
ELECTRICAL LOAD FACILITIES PENDING ADOPTION OF
COMPREHENSIVE LAND USE REGULATIONS

ARTICLE I – TITLE, AUTHORITY, AND PURPOSE

SECTION 1. TITLE

This Ordinance shall be known as the “Hamblen County Interim Moratorium on High-Intensity Electrical Load Facilities Ordinance.”

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to Tennessee Code Annotated § 13-7-101 et seq., the police powers of Hamblen County, and the authority of the Hamblen County Commission and Regional Planning Commission to regulate land use to protect the public health, safety, and welfare.

SECTION 3. PURPOSE

The purpose of this ordinance is to temporarily suspend the approval and development of certain high-intensity electrical load facilities while the County evaluates and adopts appropriate long-term zoning regulations.

ARTICLE II- LEGISLATIVE FINDINGS

SECTION 4. GENERAL FINDINGS

The County finds that high-intensity computing facilities present evolving land use impacts not fully addressed in existing zoning regulations and require additional study.

SECTION 5. INFRASTRUCTURE IMPACTS

Such facilities may create substantial electrical, water, and infrastructure demands requiring utility upgrades and long-term planning.

SECTION 6. WATER AND ENVIRONMENTAL IMPACTS

Such facilities may require significant water usage and may affect stormwater systems and environmental resources.

SECTION 7. NOISE AND AIR IMPACTS

Cooling systems and backup generators may produce continuous noise and emissions impacting surrounding properties.

SECTION 8. FIRE AND SAFETY IMPACTS

Large-scale electrical and battery systems may present unique fire safety and emergency response challenges.

SECTION 9. LAND USE COMPATIBILITY

Such facilities may not be compatible with agricultural, residential, and rural land uses without appropriate regulation.

SECTION 10. NEED FOR INTERIM ACTION

The County finds that interim measures are necessary to preserve the status quo while permanent regulations are developed.

ARTICLE III – DEFINITIONS

SECTION 11. HIGH- INTENSITY ELECTRICAL LOAD FACILITY

Any facility with a peak electrical demand of 5 megawatts (MW) or greater or that requires dedicated electrical infrastructure primarily for industrial-scale computing operations.

SECTION 12. DATA CENTER

A facility primarily used for data storage, processing, cloud computing, artificial intelligence computing, or high-performance computing.

SECTION 13. CRYPTOCURRENCY MINING FACILITY

A facility engaged in large-scale computational processing including artificial intelligence or scientific computing at industrial scale.

SECTION 14. HIGH-PERFORMANCE COMPUTING FACILITY

A facility engaged in large-scale computational processing including artificial intelligence or scientific computing at industrial scale.

SECTION 15. ANCILLARY FACILITY

Any supporting infrastructure including generators, cooling systems, substations, and battery systems.

SECTION 16. PEAK ELECTRICAL DEMAND

Maximum electrical load required for full operational capacity of a facility.

SECTION 17. COMMON CONTROL

Ownership or operational control by a single entity or affiliated entities operating as a unified project.

SECTION 18. EXEMPT USES

Hospitals, schools, government facilities, standard office uses, and ordinary commercial computing incidental to a primary use are exempt.

SECTION 19. ESTABLISHMENT

A moratorium is imposed on High-Intensity Electrical Load Facilities within Hamblen County.

SECTION 20. PURPOSE

This Ordinance is a temporary planning tool and not a permanent prohibition.

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(CONTINUED)

ARTICLE IV- MORATORIUM

SECTION 32. ESTABLISHMENT OF MORATORIUM

A. A temporary moratorium is hereby imposed on the development, construction, expansion, and approval of any **High-Intensity Electrical Load Facility**, as defined in Article III, within the jurisdiction of Hamblen County, Tennessee. Excepted from application of this moratorium is any facility located within an industrial zoned property within the current boundaries of the First Civil District of Hamblen County.

B. The moratorium is adopted as an interim land use control to preserve the status quo while the County evaluates and adopts comprehensive zoning regulations addressing such facilities.

SECTION 33. PROHIBITED ACTIONS

During the effective period of this Ordinance, no County department, office, board, commission, or agent shall accept, process, approve, issue, or grant any of the following for a High-Intensity Electrical Load Facility:

- A. Rezoning applications or map amendments;
- B. Special exceptions or special use permits;
- C. Conditional use permits;
- D. Site plan approvals;
- E. Subdivision plats or development plats;
- F. Building permits;
- G. Electrical service capacity approvals or utility connection authorizations;
- H. Water or wastewater capacity commitments;
- I. Grading permits or land disturbance permits;
- J. Certificates of occupancy;
- K. Any other development approval or authorization required under County ordinance or regulation.

SECTION 34. APPLICATION FREEZE

- A. Any application for development approval relating to a High-Intensity Electrical Load Facility that is pending as of the effective date of this Ordinance shall be **stayed and held in abeyance** for the duration of the moratorium.
- B. No such application shall be deemed approved by lapse of time, inaction, or procedural deadline during the moratorium period.
- C. Applicants may withdraw applications voluntarily; however, withdrawal shall not entitle applicants to vesting or grandfathering rights under this Ordinance.

SECTION 35. VESTED RIGHTS LIMITATION

- A. No vested right shall accrue solely by virtue of the submission, filing, or preliminary approval of any application subject to this Ordinance if final approval has not been issued prior to the effective date.
- B. Any previously issued approval that has not been substantially acted upon through commencement of construction and substantial investment prior to the effective date shall be subject to review under applicable Tennessee law.

SECTION 36. PROHIBITION ON CIRCUMVENTION

- A. No person shall divide, segment, phase, or structure a development in any manner intended to avoid classification as a High-Intensity Electrical Load Facility under this Ordinance.
- B. The County shall evaluate all related parcels, structures, and applications under common ownership or control as a single unified project for purposes of this Ordinance.

SECTION 37. UTILITIES AND INFRASTRUCTURE

- A. No utility provider, public or private, shall be required to reserve, allocate, or commit electrical, water, wastewater, or other infrastructure capacity for a High-Intensity Electrical Load Facility during the moratorium period.
- B. Any previously issued capacity letters or preliminary utility commitments shall not obligate the County or its utility providers to approve final development authorization during the moratorium.

SECTION 38. PURPOSE CLARIFICATION

The moratorium established herein is:

- A. A temporary land use control measure;
- B. Intended to preserve the status quo;
- C. Designed to allow time for planning, study, and adoption of permanent regulations; and
- D. Not intended as a permanent prohibition on any lawful land use.

SECTION 39. NON-ABROGATION OF OTHER REGULATORY AUTHORITY

Nothing in this Ordinance shall be construed to limit or restrict:

- A. The authority of Hamblen County to regulate land use under Tennessee law;
- B. The authority of utility providers to evaluate service feasibility;
- C. The authority of state or federal agencies to regulate environmental, air quality, or water impacts;
- D. The authority of the Hamblen County Planning Commission to conduct studies and make recommendations.

END OF ARTICLE IV

ARTICLE V – EXEMPTIONS AND LIMITED SAFE HARBORS

SECTION 40. PURPOSE OF EXEMPTIONS

The exemptions in this Article are intended to:

- A. Ensure that this Ordinance does not interfere with ordinary commercial, governmental, or public service operations;
- B. Avoid unintended impacts on existing permitted uses and essential infrastructure; and
- C. Preserve proportionality between the stated purposes of the moratorium and its scope of application.

SECTION 41. EXPRESS EXEMPTIONS

The following uses, structures, and facilities shall be exempt from the provisions of this Ordinance:

41.1 Governmental and Public Facilities

- A. Federal, state, county, and municipal buildings and facilities;
- B. Public schools, colleges, and universities;
- C. Police, fire, emergency, medical services, and emergency management facilities.

41.2 Healthcare Facilities

- A. Hospitals, clinics, and medical campuses;
- B. Nursing homes, assisted living facilities, and rehabilitation centers;
- C. Public health infrastructure and laboratories.

41.3 Essential Utility and Infrastructure Services

- A. Electric transmission and distribution facilities operated by public utilities or cooperatives;
- B. Water treatment plants, wastewater treatment facilities, and related infrastructure;
- C. Telecommunications infrastructure used primarily for voice, broadband, or public communications services.

41.4 Ordinary Commercial and Industrial Uses

- A. Retail establishments;
- B. Office buildings and professional service facilities;
- C. Warehouses and distribution centers not meeting the definition of a High- Intensity Electrical Load Facility;
- D. Manufacturing facilities that do not meet the thresholds in Article III.

SECTION 42. INCIDENTAL COMPUTING AND BUSINESS OPERATIONS

This Ordinance shall not apply to computing or data processing that is incidental to a primary lawful use, including:

- A. Business information systems, accounting systems, and enterprise software;
- B. Cloud-based productivity or communication services;
- C. Point-of-sale systems and standard retail computing operations;
- D. Internal data storage or backup systems typical of commercial operations.

SECTION 43. EXISTING LAWFUL OPERATIONS

- A. Any facility lawfully operating as of the effective date of this Ordinance that does not meet the definition of a High-Intensity Electrical Load Facility shall not be subject to this moratorium.
- B. Existing lawful uses may continue normal operations, maintenance, and repair activities.
- C. Expansion of existing uses that would cause the facility to meet the definition of a High-Intensity Electrical Load Facility shall be subject to this Ordinance.

SECTION 44. MINOR MODIFICATIONS

- A. Routine repairs, maintenance, or upgrades that do not increase peak electrical demand above the threshold established in Article III shall be exempt.
- B. Replacement of equipment in-kind, without expansion of operational capacity, shall not constitute a violation of this Ordinance.

SECTION 45. VESTED RIGHTS LIMITED SAFE HARBOR

- A. A vested rights claim shall be recognized only where:
 - 1. A valid building permit was lawfully issued prior to the effective date of this Ordinance; and
 - 2. Substantial construction has commenced on reliance upon such permit.

B. Mere application submission, preliminary approval, or utility correspondence shall not constitute a vested right.

SECTION 46. UTILITIES AND SERVICE PROVIDERS

A. Nothing in this Ordinance shall be construed to require any utility provider to:

1. Reserve capacity;
2. Approve service extensions; or
3. Commit infrastructure upgrades

for any use that is subject to this moratorium,

B. Utility providers may continue to evaluate service requests under their standard engineering and reliability criteria.

SECTION 47. NON-INTERFERENCE WITH EMERGENCY RESPONSE

Nothing in this Ordinance shall restrict or impair:

- A. Emergency response operations;
- B. Fire suppression activities;
- C. Law enforcement activities; or
- D. Disaster response or recovery efforts.

SECTION 48. INTERPRETIVE RULE

All exemptions in this Article shall be construed narrowly to preserve the intent of this Ordinance, and any ambiguity shall be resolved in favor of:

- A. Maintaining the temporary status quo; and
- B. Preventing circumvention of the moratorium's purpose

ARTICLE VI – ADMINISTRATION AND ENFORCEMENT

SECTION 49. ADMINISTRATION

The County Planning Department shall administer this Ordinance.

SECTION 50. ENFORCEMENT

The County may deny permits, revoke approvals, and seek injunctive relief for violations,

SECTION 51. DETERMINATIONS

The Zoning Administrator shall determine applicability of this Ordinance.

ARTICLE VII – SERVERABILITY

SECTION 52. SERVERABILITY

If any provision is found invalid, the remaining provisions shall remain in full force and effect.

ARTICLE VIII – EFFECTIVE DATE

SECTION 53. EFFECTIVE DATE

This Ordinance shall take effect upon adoption by the Hamblen County Commission.