

SUBSTITUTE ORDINANCE NO. BL2026-1448

An ordinance declaring a temporary moratorium upon the acceptance, processing, approval, and issuance of zoning, building, or grading permits for data center developments on property within Nashville & Davidson County.

WHEREAS, the Metropolitan Government of Nashville and Davidson County has authority to regulate land use and development through Title 17 of the Metropolitan Code of Laws, known as the Metropolitan Zoning Code, to protect the public health, safety, and welfare; and

WHEREAS, the Metropolitan Zoning Code does not currently define “data center” as a distinct land use classification; and

WHEREAS, in the absence of a specific data center classification, data centers may be administratively classified under existing use categories that were not written to address the scale, intensity, operational characteristics, or impacts of modern data-center development; and

WHEREAS, data centers may have land-use impacts materially different from ordinary office, warehouse, telecommunications, utility, or industrial uses, including high electrical demand, backup generators, fuel storage, battery systems, substations, transformers, cooling systems, mechanical equipment, noise, vibration, lighting, stormwater impacts, security fencing, emergency-response concerns, and continuous twenty-four-hour operations; and

WHEREAS, data centers may be appropriate in certain locations if properly defined, reviewed, conditioned, buffered, and regulated, but may be incompatible with nearby residential neighborhoods, public parks, schools, greenways, zoological institutions, public spaces, and other sensitive uses without appropriate standards; and

WHEREAS, the Metropolitan Government has a substantial public interest in ensuring that data centers are not permitted or vested under land-use classifications that do not accurately describe the principal use or address the use’s operational impacts; and

WHEREAS, on June 2, 2026, BL2026-1391 and BL2026-1392 were introduced at the Metropolitan Council; and

WHEREAS, these two pieces of legislation propose to define what a data center is in the context of the Metropolitan Zoning Code, delineate the different types of data centers based on size and power use, and set up reasonable conditions and restrictions for the various types of data centers to enable them to operate in a compatible and harmonious manner within Nashville and Davidson County; and

WHEREAS, BL2026-1391 and BL2026-1392 must go through the required review and approval process, including two readings at the Metropolitan Planning Commission and three readings at the Metropolitan Council prior to their enactment; and

WHEREAS, this review and approval process will take several months to complete; and

WHEREAS, in the interim, it is in the best interests of the health, welfare, and safety of Nashville and Davidson County and its residents that the Metropolitan Council declare a temporary moratorium upon the acceptance, processing, approval, and issuance of zoning, building, or grading permits for data center developments on property within Nashville and Davidson County

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That a moratorium is hereby declared upon the acceptance, processing, approval, and issuance of zoning, building, or grading permits by the Metropolitan Department of Codes Administration and the Metropolitan Water Services Department for any data center development for property within Nashville & Davidson County until November 1, 2026 or the effective date of BL2026-1391 and BL2026-1392, whichever occurs first.

Section 2. That for the purposes of this ordinance, a “data center development” shall include any development including a physical room, building, or facility primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware. The square footage of a data center shall include the total square footage of each floor in the data center development, the square footage of any supporting uses, and the square footage of any additional exterior equipment, such as substations, electrical yards, mechanical yards, and all other exposed equipment, located within the property boundaries. A “server room” shall not be considered a data center. A collection of computer workstations configured solely for use by a principal use shall not be considered a data center.

“Server room” means a dedicated closet or room containing servers and/or other computer equipment that is less than 500 square feet in size and that is located within and supports functions of a principal use and relies on the principal use’s existing HVAC and electrical supply.

Section 3. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 4. This Ordinance shall take effect upon publication of the above said notice, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Courtney Johnston
Member of Council