

Draft Ordinance  
Technology & Advanced Industry Overlay District (TAI)

DISCUSSION DRAFT – FOR LEGAL AND POLICY REVIEW ONLY

This document is a preliminary working draft intended for internal legal and policy discussion. It does not represent final City policy, approved zoning, or authorization of any specific project. No technology or advanced industry project has been approved by the City of Linn Valley. All concepts remain subject to legal review, Planning & Zoning consideration, Governing Body discussion, and public input.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING THE TECHNOLOGY & ADVANCED INDUSTRY OVERLAY DISTRICT (TAI) FOR THE CITY OF LINN VALLEY, KANSAS; PROVIDING REGULATIONS FOR DATA CENTERS, ARTIFICIAL INTELLIGENCE COMPUTING FACILITIES, BATTERY ENERGY STORAGE SYSTEMS, AND RELATED ADVANCED TECHNOLOGY USES; ESTABLISHING DEVELOPMENT STANDARDS, PUBLIC PROCESS REQUIREMENTS, AND SAFEGUARDS TO PROTECT RESIDENTIAL CHARACTER, INFRASTRUCTURE, AND PUBLIC SAFETY.

SECTION 1. PURPOSE AND INTENT

The Governing Body of the City of Linn Valley, Kansas finds that carefully planned technology and advanced industry development may provide meaningful opportunities to diversify the tax base, strengthen municipal sustainability, and support long-term economic development.

The City further finds that Linn Valley is first and foremost a residential, lake-centered community whose quality of life, environmental character, recreational amenities, and residential enjoyment must be preserved.

Accordingly, the purpose of this ordinance is to:

- A. Allow carefully located and regulated advanced technology development in specifically designated areas of the City;
- B. Encourage investment that strengthens the tax base while minimizing impacts on residents;
- C. Protect residential neighborhoods, surrounding rural residences, and recreational areas from excessive noise, lighting, traffic, and visual impacts;
- D. Ensure public safety, emergency preparedness, and infrastructure adequacy;
- E. Require meaningful public participation and transparency in project review; and
- F. Preserve the unique residential and recreational character of the City of Linn Valley.

No technology or advanced industry project shall be deemed entitled to approval solely because it is located within an eligible district.

SECTION 2. ESTABLISHMENT OF TECHNOLOGY & ADVANCED INDUSTRY OVERLAY DISTRICT (TAI)

A. Creation of District

The Technology & Advanced Industry Overlay District (“TAI District”) is hereby established as a zoning overlay intended for carefully controlled advanced technology and infrastructure uses.

B. Mapped District Required

The TAI District shall apply only to specifically designated geographic areas approved by ordinance and shown on the official zoning map of the City.

No property outside a mapped TAI District shall be eligible for uses governed by this ordinance.

The City expressly intends the TAI District to be geographically limited and separated from established residential neighborhoods and recreational amenities.

C. Intent of Location

The TAI District shall be applied only to property meeting the following criteria:

1. Located in areas compatible with industrial-scale utility service;
2. Adequately separated from residential neighborhoods and lake-centered recreational areas;
3. Served by roadway infrastructure capable of supporting construction and operations;
4. Compatible with long-term comprehensive planning goals of the City;

5. Located so as to minimize impacts upon surrounding residential and agricultural uses.

### SECTION 3. CONDITIONAL USE PERMIT REQUIRED

All principal uses governed by this ordinance shall require approval of a Conditional Use Permit ("CUP").

No use shall be permitted by-right.

Approval of a CUP shall be discretionary and based upon findings required under this ordinance.

### SECTION 4. PERMITTED USES SUBJECT TO CUP

The following uses may be considered within the TAI District:

- A. Data centers;
- B. Artificial intelligence computing facilities;
- C. High-performance computing facilities;
- D. Cloud computing infrastructure;
- E. Technology campuses and research facilities;
- F. Battery Energy Storage Systems (BESS);
- G. Electrical substations and utility support facilities;
- H. Professional offices and support facilities incidental to approved uses;
- I. Public utility infrastructure;
- J. Accessory uses customarily incidental to approved principal uses.

### SECTION 5. SPECIAL REGULATION OF CRYPTOCURRENCY MINING

Cryptocurrency mining facilities shall not be considered permitted uses under this ordinance unless separately approved through enhanced Conditional Use Permit findings.

Applicants seeking approval for cryptocurrency mining operations must demonstrate:

- A. Significant local economic benefit;
- B. Electrical demand compatibility;
- C. Noise mitigation measures;
- D. Public infrastructure compatibility;
- E. Compatibility with surrounding land uses.

The Governing Body may impose additional conditions or deny approval where impacts outweigh public benefit.

### SECTION 6. PROHIBITED USES

The following shall be prohibited:

- A. Heavy industrial manufacturing;
- B. Hazardous chemical processing;
- C. Mining or extraction operations;
- D. Outdoor industrial storage unrelated to approved operations;
- E. Petroleum refining;
- F. Waste disposal facilities.

### SECTION 7. RESIDENTIAL SEPARATION AND SETBACK REQUIREMENTS

#### A. Residential Protection Standards

The City finds protection of residential uses to be a primary objective of this ordinance.

No principal structure, cooling equipment, generators, battery storage systems, mechanical equipment, or primary operational infrastructure shall be located:

#### Standard Facilities

Less than five hundred feet (500') from:

- 1. Any residential zoning district within the City of Linn Valley; or
- 2. Any existing occupied residential dwelling, regardless of jurisdictional boundaries.

#### Large Facilities

For facilities exceeding one hundred thousand (100,000) square feet or fifty (50) megawatts of electrical demand, no such infrastructure shall be located less than one thousand feet (1,000') from:

- 1. Any residential zoning district within the City; or
- 2. Any existing occupied residential dwelling regardless of jurisdictional boundaries.

#### B. Measurement Standards

1. Within Linn Valley residential areas, setbacks shall be measured from the boundary of the residential zoning district or residential lot line.

2. Outside City limits, setbacks shall be measured from the nearest occupied dwelling structure and not the property boundary.

#### C. General Yard Setbacks

Front Yard: 100 feet minimum

Side Yard: 100 feet minimum

Rear Yard: 100 feet minimum

#### SECTION 8. LAKE AND RECREATIONAL PROTECTION BUFFER

No principal facility shall be located within one thousand feet (1,000') of:

A. Major lake shorelines;

B. Public recreational facilities;

C. Community gathering amenities designated by the City;

unless specifically approved by enhanced findings demonstrating compatibility.

#### SECTION 9. LANDSCAPING, SCREENING, AND VISUAL BUFFERING

A. A minimum one hundred-foot (100') landscaped buffer shall be required adjacent to residential areas.

B. Screening shall include:

1. Evergreen vegetation;

2. Native landscaping;

3. Berming where feasible;

4. Opaque fencing where necessary;

5. Visual mitigation to reduce industrial appearance.

C. Facilities visible from public roads shall incorporate design measures intended to reduce visual impact.

#### SECTION 10. NOISE STANDARDS

No facility shall exceed daytime noise levels of 55 dBA or nighttime noise levels of 45 dBA as measured at the nearest residential property line or occupied dwelling.

Applicants shall provide:

A. A professionally prepared acoustical study;

B. Independent verification if requested by the City;

C. Mitigation measures where compliance is not achieved.

The City may require post-construction testing.

Failure to maintain compliance shall constitute a zoning violation.

#### SECTION 11. LIGHTING AND DARK SKY PROTECTION

All exterior lighting shall:

A. Be fully shielded and directed downward;

B. Prevent light spillover onto adjacent property;

C. Minimize glare;

D. Preserve dark sky conditions to the maximum extent practical.

Floodlighting shall be prohibited except for temporary maintenance or emergency circumstances.

Lighting plans shall be submitted with the CUP application.

#### SECTION 12. ARCHITECTURAL STANDARDS

A. Plain industrial appearance shall be minimized.

B. Visible building facades shall utilize high-quality materials, including:

1. Masonry;

2. Decorative concrete;

3. Stone;

4. Architectural metal systems;

5. Glass;

6. High-quality composite materials.

C. Plain corrugated metal shall not serve as the primary visible facade material

D. Facilities shall incorporate landscaping and visual treatments intended to soften industrial appearance.

#### SECTION 13. WATER, UTILITIES, AND INFRASTRUCTURE PROTECTION

Applicants shall submit:

A. Utility impact study;

B. Water demand analysis;

C. Electrical infrastructure analysis;

D. Wastewater and stormwater plans.

No project shall:

1. Materially impair water availability to residents;
2. Increase water costs to residents;
3. Materially reduce service reliability;
4. Shift infrastructure costs to taxpayers.

Applicants shall fund infrastructure improvements reasonably attributable to project impacts.

#### SECTION 14. BATTERY ENERGY STORAGE SYSTEM (BESS) REQUIREMENTS

Battery Energy Storage Systems shall be permitted only upon demonstration of:

- A. Emergency shutdown procedures;
- B. Thermal runaway mitigation plans;
- C. Fire suppression systems;
- D. Hazard mitigation plans;
- E. Emergency responder coordination;
- F. Annual training with local emergency services;
- G. Proof of liability insurance;
- H. Independent engineering certification.

Security fencing and visual screening shall be required.

#### SECTION 15. ROADWAY AND TRAFFIC PROTECTION

Applicants shall provide a construction traffic management plan including:

- A. Truck routes;
- B. Hours of operation;
- C. Temporary traffic control;
- D. Road protection measures.

The operator shall be responsible for repair of extraordinary roadway damage attributable to project construction.

#### SECTION 16. PUBLIC INFORMATION REQUIREMENTS

Prior to Planning and Zoning Commission consideration, applicants shall conduct two (2) public information meetings including:

- A. Project overview;
- B. Public question-and-answer opportunities;
- C. Noise and lighting explanations;
- D. Visual renderings and simulations;
- E. Utility demand overview;
- F. Summary of anticipated community impacts.

Applicants shall submit written responses to frequently raised public concerns.

#### SECTION 17. COMMUNITY BENEFITS AGREEMENT (CBA)

Projects exceeding fifty (50) megawatts of electrical demand or one hundred thousand (100,000) square feet shall enter into a Community Benefits Agreement with the City.

Such agreement may include:

- A. Road improvements;
- B. Broadband or fiber expansion;
- C. Public safety support;
- D. Utility system improvements;
- E. Workforce training opportunities;
- F. Public infrastructure investment;
- G. Other negotiated community benefits.

#### SECTION 18. DECOMMISSIONING AND FINANCIAL ASSURANCE

Operators shall provide financial assurance acceptable to the City including:

- A. Bond;
- B. Letter of credit;
- C. Escrow;
- D. Other approved security.

Facilities inactive for twelve (12) consecutive months shall be deemed abandoned

Abandoned facilities shall be removed within eighteen (18) months.

The site shall be restored to a safe and stable condition.

#### SECTION 19. REQUIRED FINDINGS FOR APPROVAL

The Governing Body must find:

- A. Compatibility with surrounding land uses;
- B. Adequate residential protection;
- C. Noise and lighting impacts are mitigated;

- D. Infrastructure is sufficient;
  - E. Public safety concerns are addressed;
  - F. The project provides meaningful benefit to Linn Valley;
  - G. The project preserves the City's residential and lake-centered character.
- Failure to satisfy these findings shall constitute grounds for denial.

SECTION 20. SEVERABILITY

If any section, subsection, clause, or provision of this ordinance is held invalid, the remaining provisions shall remain in full force and effect.

SECTION 21. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law

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