

- 1 c) The City recognizes that these facilities may impose substantial, unprecedented demands upon
2 public water systems, wastewater systems, transportation infrastructure, stormwater
3 management networks, emergency response services, and land-use resources.
- 4 d) Large-scale utility infrastructure necessary to support these hyperscale data centers requires
5 coordination with complex public and environmental entities, including but not limited to:
6 Entergy Arkansas capacity studies overseen by the Arkansas Public Service Commission;
7 Central Arkansas Water Systems regulated by the Arkansas Department of Health; the Little
8 Rock Water Reclamation Authority; and Arkansas Department of Energy and Environment.
- 9 e) The City has a compelling governmental interest in protecting the public health, safety, welfare,
10 environmental quality, utility reliability, and long-term sustainability of municipal
11 infrastructure and natural resources, and ensuring that hyperscale developments do not degrade
12 Central Arkansas Water resources or groundwater and local aquifers, overload emergency
13 response infrastructure or Little Rock Water Reclamation Authority infrastructure, negatively
14 impact community health, or shift infrastructure costs onto local residential and commercial
15 ratepayers.
- 16 f) Recent unexpected operational disruptions, indefinite closures, and abandoned facilities within
17 the City at the Port of Little Rock - including a multi-million-square-foot distribution complex
18 due to structural engineering flaws and building code non-compliance, and a wind turbine
19 manufacturing plant due to technology and market shifts highlight the risks that ultra-large,
20 specialized developments pose to public safety, municipal emergency response, regional
21 economic stability, and local workforce welfare.
- 22 g) Public welfare, economic opportunity, and environmental stewardship require that residents
23 living near proposed high-impact facilities have timely notice, transparent access to impact
24 studies, and structured opportunities to provide public comment before land-use approvals are
25 granted.
- 26 h) Approval of hyperscale data center facilities before the inclusion of the public and completion
27 of a thorough evaluation of municipal impacts and regulations will result in irreversible
28 infrastructure commitments, inadequate mitigation of local neighborhood impacts, and
29 inconsistent municipal land-use decisions.
- 30 i) A thorough evaluation of municipal impacts of such facilities and proactive regulation are
31 absolutely necessary to preserve reliable utility service and affordability, protect residential
32 neighborhoods, reduce continuous-operation noise, manage water resource allocation, prepare
33 emergency response protocols, promote orderly economic development, guarantee public
34 benefit, and monitor compliance.

1 **Section 4. Definitions & Scope.**

2 (a) As defined in the Little Rock Revised Code of Ordinances Chapter 36 Article I, Subsection
3 36-2, as currently enacted or as subsequently amended:

- 4 1. *Data center.* A facility used primarily for the storage, management, processing, and
5 transmission of digital data, which houses computer or network equipment, including
6 servers, switches, routers, and associated infrastructure such as air handling, cooling
7 equipment, backup power generation, fuel storage, water storage, electrical
8 substations, and other utility infrastructure necessary to support sustained operations.
9 2. *Hyperscale data center.* A data center occupying more than 250,000 gross square
10 feet, or drawing more than 75 megawatts of grid power, or developed across more
11 than one principal building under common ownership or control on a single parcel.

12 (b) *Tonal noise.* Continuous, prominent sound generated by industrial equipment—including
13 cooling fans, chillers, and transformers—characterized by a distinct, single frequency or narrow
14 frequency band that causes localized disturbance to adjacent residential or commercial properties.

15 (c) *Non-Proprietary System Impact Summary.* Any high-level grid reliability, capacity, or
16 infrastructure load document, study, or communication prepared by an electric utility or state utility
17 commission that does not contain protected trade secrets, proprietary customer financial terms, or
18 critical energy infrastructure information (CEII) restricted under federal or state law.

19 (d) *Moratorium.* A temporary administrative suspension on the processing, review, approval, or
20 issuance of permits, variances, rezoning, and site plan approvals for specified projects.

21 (e) Exemptions. The temporary moratorium established herein shall not apply to:

- 22 (1) Expansion, modernization, replacement, redevelopment, upgrading, maintenance, or
23 improvement of existing commercial, industrial, educational, agricultural,
24 manufacturing, distribution, or healthcare facilities that do not convert the facility into a
25 hyperscale data center.
26 (2) Public schools, colleges and universities, hospitals, medical facilities, public safety
27 facilities, and agricultural operations engaged in production, processing, storage, or
28 distribution of agricultural commodities.
29 (3) Essential public utility infrastructure, water and wastewater facilities, electric
30 generation facilities, and renewable energy facilities, with purposes not primarily
31 intended to support a hyperscale data center subject to this Ordinance.
32 (4) Projects that demonstrate legally vested property rights under Arkansas common law
33 prior to the effective date of this Ordinance, established by providing competent and

1 substantial evidence through the procedure set forth in Article 7 showing that the
2 applicant has:

3 (A) Obtained a final, unappealable municipal permit or discretionary land-use approval from
4 the City of Little Rock (for which all applicable administrative and judicial appeal periods
5 have fully expired without an appeal being filed, or for which any filed appeal has been fully
6 and finally resolved in favor of the applicant); and

7 (B) In good-faith reliance upon such valid permit or land-use approval, the applicant made a
8 substantial change in position, incurred substantial liabilities, or made substantial
9 unrecoverable capital expenditures directly related to the authorized development.

10 In evaluating whether an applicant has made a "substantial change in position" under Arkansas
11 common law, the decision-making body shall consider the totality of the circumstances,
12 including but not limited to:

13 (i) The proportion of actual on-site construction and development costs incurred relative
14 to the total estimated cost of the overall project;

15 (ii) The execution of binding, non-cancelable third-party utility interconnection
16 agreements, environmental permits, and service contracts; and

17 (iii) The extent of actual on-site physical improvements, utility installation, or vertical
18 construction completed prior to the effective date of this Ordinance.

19 Consistent with Arkansas' common law, "substantial unrecoverable capital expenditures" shall
20 emphasize direct investments toward actual, on-site physical construction and dedicated infrastructure, and
21 shall generally exclude preliminary site acquisition costs, speculative option payments, general legal or
22 organizational fees, or preliminary feasibility studies.

23 The exemptions contained in this Ordinance are intended to preserve existing lawful business
24 activities, essential public services, and projects that have achieved legally vested rights prior to the
25 effective date of this Ordinance. The exemptions contained herein shall be construed narrowly. Any person
26 or entity claiming entitlement to an exemption under this Article shall bear the sole burden of demonstrating
27 eligibility through competent and substantial evidence pursuant to the administrative procedures set forth
28 in Article 7.

29 **Section 5. Imposition of Moratorium.**

30 a) For a period of six (6) months from the effective date of this Ordinance, no city department, board,
31 commission, official, employee, or agent shall approve, issue, grant, or authorize:

32 1) Conditional use permits;

33 2) Building and development permits;

34 3) Grading, land disturbance, and stormwater permits;

1 4) Site plan approvals; or

2 5) Other discretionary municipal approvals

3 for construction, development, redevelopment, or expansion of hyperscale data centers within
4 the corporate boundaries of the City of Little Rock.

5 b) To ensure administrative reasonableness and diligent progress:

6 i) The Board of Directors shall hold a public hearing before the end of the moratorium period.
7 The City Manager shall organize the public hearing at a regularly scheduled Board of
8 Directors meeting, providing public notice a minimum of fifteen (15) days in advance. A
9 representative from the Department of Planning and Development, Planning Commission,
10 Sustainability Commission, Central Arkansas Water (CAW), and Little Rock Water
11 Reclamation Authority (LRWRA) must be present to answer questions from the Board of
12 Directors. The City Manager shall notify and invite representatives from Entergy Arkansas
13 and applicants or developers of affected projects to participate in the hearing, present
14 progress updates, and respond to inquiries from the Board of Directors. The Department of
15 Planning and Development shall compile all available records from Article 6 into the public
16 record prior to each hearing.

17 ii) The Board may extend the moratorium period another 6 months if necessary based on
18 recommendations from the Department of Planning and Development, Planning
19 Commission, and Sustainability Commission for the completion of studies, public release
20 of information, and formal enactment of comprehensive regulations and monitoring
21 procedures.

22 iii) Should the moratorium period be extended by 6 months, in accordance with this Article,
23 the Board of Directors shall hold a public hearing before the end of the extended
24 moratorium period and may extend the moratorium another 6 months if necessary based
25 on recommendations.

26 **Section 6. Public Impact Studies, Transparency, & Regulations**

27 a) Within sixty (60) calendar days of the effective date of this Ordinance, the City Manager is
28 authorized and directed to request, coordinate, and collaborate with all internal City
29 departments, municipal boards, commissions, the Little Rock Port Authority, Central
30 Arkansas Water (CAW), and the Little Rock Water Reclamation Authority (LRWRA) to
31 assemble and make publicly available on a dedicated City webpage all existing, non-exempt
32 agreements, Memoranda of Understanding (MOUs), Letters of Intent (LOIs), service letters,
33 infrastructure reservation letters, capacity commitment agreements, municipal development
34 agreements, and documents related to tax incentives, tax abatements, and industrial

1 development bonds, executed prior to the effective date of this Ordinance between the City,
2 municipal utilities, and any developer or representative of a hyperscale data center subject
3 to this Ordinance. Non-exempt records shall include all public records governed by the
4 Arkansas Freedom of Information Act (Ark. Code Ann. § 25-19-101 et seq.).

5 b) During the moratorium period, the City Manager in conjunction with the Department of
6 Planning and Development, is authorized and directed to request, coordinate, and collaborate
7 with relevant municipal entities, public bodies, regional water entities, and utility authorities to
8 complete and publicly release the following predictive planning and infrastructure capacity
9 assessments relevant to hyperscale data center projects subject to this Ordinance, designed to
10 evaluate operational impacts and establish zoning performance standards.

11 1) Municipal Water, Groundwater, & Wastewater Impact Analysis conducted in coordination
12 and collaboration with Central Arkansas Water (CAW), the Little Rock Water Reclamation
13 Authority (LRWRA), and the Arkansas Department of Energy and Environment (ADEE),
14 to evaluate:

15 A. Peak daily, weekly, and seasonal municipal water consumption and cooling
16 technology draw;

17 B. Groundwater aquifer withdrawal impacts, localized drawdown, potential interference
18 with surrounding private or public municipal wells, and long-term aquifer recharge
19 capacity;

20 C. Industrial discharge effluent volume, chemical treatment additives, temperature
21 thresholds, and municipal collection/treatment system capacity; and

22 D. Ratepayer cost-protection mechanisms and infrastructure fee structures.

23 2) Acoustic & Environmental Standards Study evaluating continuous-operation tonal noise,
24 low-frequency sound propagation, property line decibel limits, visual screening and
25 setbacks, air emissions from emergency backup diesel generators, and urban heat island
26 effects, specifically for the purpose of drafting local municipal zoning performance
27 standards.

28 3) Public Safety & Emergency Preparedness Assessment conducted by the Little Rock Fire
29 Department and Emergency Management Office regarding hazardous material storage,
30 high-voltage electrical fire suppression, battery energy storage system (BESS) hazmat
31 safety, and emergency response capabilities.

32 4) Regional Electric Grid Coordination Analysis conducted by requesting non-proprietary
33 system impact summaries from Entergy Arkansas and the Arkansas Public Service

- Commission regarding local transmission capacity, regional grid reliability within the municipal boundaries, and ratepayer fee structures.
- c) All completed technical impact studies, grid coordination summaries, and historical record disclosures required under this Article shall be published on a dedicated City webpage and made available to the public upon the earliest of the following triggers:
1. Within thirty (30) calendar days following the completion and finalization of each respective study or assessment; or
 2. At least fourteen (14) days prior to any formal vote or action by the Planning Commission or Board of Directors regarding permanent zoning regulations, conditional use parameters, or municipal code amendments concerning Hyperscale data centers. Redactions shall be narrowly construed and limited strictly to the minimum extent necessary to protect information specifically exempted from disclosure by applicable local, state, and federal laws. The existence of exempt or confidential information within a record shall not justify withholding the entire record. All city departments and municipal utility entities releasing records pursuant to this Article shall segregate and release all non-exempt portions of such records.
- d) Upon completion of any technical study required under this Article, the Department of Planning and Development shall provide such study to the Little Rock Sustainability Commission for review and comment. The Sustainability Commission may conduct public meetings, receive stakeholder input, and submit written findings and recommendations regarding environmental sustainability, natural resource impacts, resilience, utility demands, and community impacts associated with hyperscale data center development. Any written recommendations of the Sustainability Commission shall be included in the public record and transmitted to the Planning Commission and Board of Directors prior to consideration of any permanent zoning regulations, code amendments, conditional use standards, or other policies related to hyperscale data centers.
- e) At the end-of-moratorium public hearing established under Article 5b, the Department of Planning and Development, in conjunction with the Planning Commission and Sustainability Commission, shall submit a formal written report and present oral recommendations to the Board of Directors. These reports and presentations shall include:
1. Status updates on and key findings from all technical studies, public utility consultations, and public releases outlined in this Article;
 2. Draft zoning amendments, changes to definitions, impact assessment requirements, noise performance standards, conditional use criteria, monitoring procedures, and fee structures under consideration;

3. Recommendations on whether the moratorium should be extended or terminated based on study findings; and
4. Additional recommendations are necessary to protect public health, safety, and welfare.

Section 7. Administrative Relief Procedure.

(a) This Article provides a streamlined administrative pathway to verify routine, non-data-center project exemptions and establishes a formal legislative process to evaluate petitions for moratorium relief based on vested rights or constitutional claims.

(b) Streamlined Administrative Exemption Determination

1. The streamlined administrative determination under this subsection is strictly limited to entities and projects claiming exemption under Article 4(e)(1) (routine non-data-center business modernizations), Article 4(e)(2) (schools, healthcare, public safety, and agriculture), or Article 4(e)(3) (essential public utility infrastructure).
2. Any eligible entity seeking formal written confirmation of exemption may submit a one-page Exemption Request Form to the Department of Planning and Development.
3. Within ten (10) business days of receipt, the Planning Director shall issue a written determination confirming or denying the exemption. Confirmed exempt projects may proceed immediately through standard administrative permitting channels without further Board action.

(c) Formal Petition for Moratorium Relief

- i. Any applicant or property owner claiming exemption based on vested property rights under Article 4(e)(4) or claiming that application of this moratorium constitutes an unconstitutional temporary taking, shall not be eligible for administrative exemption under subsection (b) and must file a formal Petition for Moratorium Relief with the City Clerk.
- ii. Upon receipt of a complete petition, the City Clerk shall transmit the filing to the Department of Planning and Development. The petition shall be docketed for a public hearing before the Little Rock Planning Commission at its next regularly scheduled meeting for which all statutory and municipal public notice requirements including newspaper publication, certified mailings, and physical site sign postings can be fully satisfied. The Planning Commission shall conduct an evidentiary public hearing and, at the conclusion of the hearing, vote to issue a formal written recommendation of approval or denial to the Board of Directors.
- iii. The recommendation of the Planning Commission shall be forwarded to the Board of Directors and docketed for final consideration at the next regularly scheduled meeting of

1 the Board of Directors. The Board of Directors shall render its decision granting or
2 denying the Petition at the conclusion of said meeting.

3 iv. Relief shall be granted only if the petitioner demonstrates through competent and
4 substantial evidence that:

- 5 A. The petitioner has established legally vested property rights under Arkansas common law and
6 as defined under Article 4(e)(4) prior to the effective date of this Ordinance; or
7 B. Application of the moratorium deprives the subject property of all economically viable use
8 without advancing a legitimate municipal police power objective regarding public health,
9 safety, or welfare.

10 (d) Judicial Review

- 11 1. Any applicant, property owner, or aggrieved party directly affected by a final
12 administrative decision of the Board of Directors regarding a Petition for Moratorium
13 Relief under subsection (c), or a final administrative exemption determination under
14 subsection (b), shall have the right to seek judicial review in a court of competent
15 jurisdiction.
16 2. Judicial review shall be instituted by filing a petition or notice of appeal in the Circuit
17 Court of Pulaski County, Arkansas, within thirty (30) calendar days after the written
18 final decision of the Board of Directors or Planning Director is officially filed with
19 the City Clerk, pursuant to Ark. Code Ann. § 14-56-425 and applicable Arkansas
20 Rules of Civil Procedure.
21 3. Submission of a formal request or petition and completion of the administrative
22 proceedings set forth in this Article shall constitute a mandatory prerequisite to seek
23 judicial review in Pulaski County Circuit Court.
24 4. The filing of a judicial action shall not automatically stay or suspend the operation of
25 this moratorium unless specifically ordered by a court of competent jurisdiction.
26 5. Nothing in this Section shall be construed to enlarge, diminish, or impair any
27 constitutional right or statutory remedy otherwise guaranteed under the Constitution
28 or laws of the State of Arkansas.

29 **Section 8. Severability.** In the event any title, section, paragraph, item, sentence, clause,
30 phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such
31 declaration or adjudication shall not affect the remaining portions of this resolution, which shall
32 remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional
33 were not originally a part of the resolution.

1 **Section 9. Repealer.** All laws, ordinances and resolutions that are inconsistent with the
2 provisions of this resolution are hereby repealed to the extent of such inconsistency.

3 **Section 5. Emergency Clause.** *The Board of Directors of the City of Little Rock finds that active,*
4 *proposed, and anticipated land-use applications and utility commitments for hyperscale data centers pose*
5 *an immediate threat of irreversible allocation of municipal water reserves, wastewater capacities, and grid*
6 *reliability before the City can enact adequate regulatory performance standards. Approval or processing*
7 *of such ultra-large industrial facilities without comprehensive studies and standards will lead to*
8 *unmitigated continuous-operation noise, heightened emergency response risks, potential groundwater*
9 *degradation, and permanent infrastructure strain, directly threatening the public health, safety, and*
10 *general welfare of the residents of Little Rock. Therefore, an emergency is hereby declared to exist, and*
11 *this Ordinance, being necessary for the immediate preservation of public peace, health, safety, and welfare,*
12 *shall take effect and be in full force immediately upon its passage and approval.*

13 **PASSED: October 20, 2026**

14 **ATTEST:**

APPROVED:

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16 _____
17 **Allison Segars, City Clerk**

Frank Scott, Jr., Mayor

18 **APPROVED AS TO LEGAL FORM:**

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21 _____
22 **Thomas M. Carpenter, City Attorney**

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