4.02.18 Data Centers

DRAFT 9.11.26

A. Purpose and Intent.

The purpose of this chapter is to establish definitions relating to data centers, to set standards that protect the public health, safety, and welfare, and to mitigate potential adverse impacts on natural resources, infrastructure, and adjacent land uses, including but not limited to water supply, electrical grid capacity, noise, and environmental quality. This ordinance is not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. By enacting this chapter, it is the intent of the Decatur County Government to facilitate the orderly development of data centers as an economic driver, providing jobs, tax revenue, and technological infrastructure, while ensuring that such facilities are sited, designed, and operated in a manner compatible with the rural and community character of Decatur County. This chapter draws upon best practices for sustainable data center operations, including energy and water efficiency metrics, and aligns with proposed Georgia Department of Community Affairs rules for Development of Regional Impact (DRI) standards, which require disclosure of energy and water demands for facilities exceeding 300,000 square feet in urban/ suburban areas or 500,000 square feet in rural areas;

B. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code enforcement officer means any person contracted with or employed by a state, county, or municipality who has enforcement authority for health, safety, or welfare requirements and is authorized to issue citations or file formal complaints regarding the same, per O.C.G.A. $ 36-74-21(1).

Data center means a facility or group of buildings primarily devoted to the housing, operation, and maintenance of computer servers, storage devices, and related equipment for the electronic storage, processing, management, and dissemination of data, including cloud computing, artificial intelligence training, and enterprise IT operations. This excludes cryptocurrency mining operations, residential-scale server installations, telecommunications facilities, or incidental data processing in non-data center uses such as offices or warehouses.

Commercial cryptocurrency mining means the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the blockchain, and also the means through which new units of cryptocurrencies are released through the use of server farms. Any equipment requiring a high density load service, for the purposes of operating a cryptocurrency mining server farm, will constitute a commercial cryptocurrency mining operation.

C. Applicability.

1. This chapter shall apply to all planned data centers as well as all data centers installed, constructed, or substantially modified (defined as an expansion increasing floor area by 50% or more) after the effective date of this chapter.

2. All data centers shall be designed, erected, and installed in compliance with applicable local, state, and federal laws, codes, regulations, and standards.

3. Notwithstanding any other provision of Section 4.02.18, the Decatur County Board of Commissioners may waive or modify the requirements for Data Centers when data center developments are located within a county-owned or county-designated industrial park.

D. Use Regulations.

1. The following uses shall be permitted in accordance with the standards established herein as part of Data Center Developments:

    a. Accessory Uses including utilities, utility lines, pump stations, electrical substations, on-site power production, water towers, mechanical equipment and environmental controls (e.g., air conditioning or cooling towers, fire suppression), redundant/backup power supplies, redundant data communications connections, and high security
    b. Computer Systems Design and Related Services
    c. Computing Infrastructure Providers, Data Processing, Web Hosting and Related Services
    d. Custom Computer Programming Services
    e. Management, Scientific, and Technical Consulting Services
    f. Public Utilities
    g. Scientific Research and Development Services
    h. Electric Power Generation and Storage

i. Telecommunications tower

2. Commercial Cryptocurrency Mining operations are specifically prohibited in Decatur County.

E. Design.

1. All principal and accessory structures shall be arranged, designed, and constructed to harmonize with the site and surrounding properties. Prefabricated, pre-engineered, or modular structures are permitted subject to the following:
   a. All structures shall have permanent concrete foundations.
   b. Maximum building height: 75 feet, with up to an additional fifteen (15) feet for parapet and rooftop equipment, not to exceed ninety (90) feet total, subject to applicable Federal, State, and Local regulations.
   c. Use of shipping containers, railroad cars, semi-truck trailers, or similar temporary storage units is prohibited, except on the construction site during construction.

2. All required construction, site, storm drainage, utility services, or other development plans shall be submitted for review and approval, as provided herein. All such plans shall articulate, including but not limited to, all setbacks, buffers, lighting, fencing, and other requirements listed herein.

F. Lot Size, Area, and Setbacks.

1. Data centers shall be located only on sites that meet the following criteria to ensure compatibility with surrounding land uses:

   a. Minimum parcel size of 50 acres unless a variance is approved by the Board of Commissioners upon demonstration of no adverse impacts to infrastructure or natural resources.

   b. Maximum total building coverage as a percent of total lot area shall not exceed 70% coverage, excepting parking lots, storm drainage holding ponds.

   c. At least 1,000 feet from the structure of any existing and occupied residential dwelling or active place of worship at the time the application is filed. This will be measured from the nearest point of the data center building to the residential structure, or place of worship structure. Data centers that are to be built less than 1,000 feet of any existing and occupied residential dwelling, or active place

of worship, will be permitted only if the property owner of such residential dwelling, or the legal agent of such place of worship, provides written consent and agreement to the County regarding the location of the data center. The Governing Body may also reduce the separation to not less than five hundred feet only upon findings, supported by site-specific acoustical, visual, traffic, and environmental evidence, that enhanced setbacks, berms, walls, equipment placement, and operating limits will provide equal or greater protection.

d. At least 1,000 feet from the structure of any schools, hospitals, or public parks. This will be measured from the nearest point of the data center building to the structure. The Governing Body may also reduce the separation to not less than five hundred feet only upon findings, supported by site-specific acoustical, visual, traffic, and environmental evidence, that enhanced setbacks, berms, walls, equipment placement, and operating limits will provide equal or greater protection.

e. With direct access to a state or federal highway or county road capable of accommodating heavy truck traffic, as determined by the entity maintaining the road.

f. 300 foot minimum from front property lines; 300 foot minimum from side and rear property lines.

g. 150 foot minimum road frontage.

h. Prohibited within a FEMA mapped Zone A location, unless the applicant demonstrates, using hydraulic modeling, that the activity does not increase the 1 % annual chance (100 year) flood elevations by more than one (1) foot. Alternatively, the applicant may provide compensatory flood storage on a 1:1 volumetric basis for all fill placed in Zone A. Such storage must be located below the 100-year surface elevation, hydraulically connected to the floodplain, and designed to fully drain by gravity.

i. At least fifty (50) feet from the right of way of any railroad track.

G. Visual Buffers.

1. To provide thorough year-round visual screening, Data centers shall maintain a minimum eight (8) foot high natural buffer along all property lines. This buffer may consist of earthen berms, vegetation, or a combination of the two.

    a. Vegetation buffer areas shall be a minimum of fifty (50) foot in depth and reach full visual screening, and the required minimum height within (4) four growing seasons from issuance of any permits.

    b. Retention of existing native vegetation is preferred. If new trees are planted, evergreen trees shall be planted.

    c. Visual Buffer area may be included within the required 300 foot minimum setback area.

H. Architectural and Design Standards.

1. Air conditioning units, HVAC systems, and electrical generators shall be thoroughly screened from view and noise impact from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping, and shall be located not less than one hundred (100) feet from adjacent property lines.

2. The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts. This requirement shall not apply if the front of the building is not visible from the public right-of-way.

3. Security fencing and walls shall not be located within the required buffer. Fences and walls outside the required setback and buffer provided above shall not be subject to height limitations. Guard houses and secured entry features shall be permitted at public road entrances.

I. Private Roads.

Private roads are permitted within the Data Center development. They shall be designed and built subject to the design guidelines for county public roads, unless otherwise approved by the County.

J. Data Center Sound Ordinance.

In order to ensure that permitted uses in the Data Center development do not contribute to noise pollution within the County, all permitted uses shall be subject to the following standards:

1. Data Center operations shall not produce continuous sound over a 15-minute period that exceeds an average of 65 dBA or higher during the hours of 8 AM to 8 PM, measured to the applicant's property boundary. Nor shall Data Center operations produce sound that exceeds an average of 55 dBA from 8 PM to 8 AM, measured at the applicant's property boundary. Notwithstanding the foregoing, if the existing sound levels in the area of the development exceed the decibel levels above prior to the development of Data Center structures, they shall be designed so that the existing sound levels are not increased at the external boundaries of the property. Sound levels shall be determined by a third-party acoustic engineer. Violations of these sound levels may be prosecuted as provided herein.

2. An acoustic barrier (e.g., an exterior solid or louvered wall containing soundproofing materials) shall surround all exterior mechanical equipment, whether located on a rooftop, on ground level, or elsewhere on the exterior of the property where necessary to achieve the sound level requirements above. Such acoustic barrier must be shown on the approved site plan and shall be maintained on the premises of the Data Center for the operational life of the facility.

3. Data Centers shall not engage in on-site generator testing for more than two hours per day, and generator testing is limited to Monday through Friday between the hours of 11:00 AM and 5:00 PM. Generator testing shall not occur on Christmas Eve or Christmas Day.

4. After issuance of the permit for each Data Center building, the County may obtain sound studies or require the Data Center operator to provide a sound study to verify that the operation is in compliance with the requirements of this section. If a Data Center is found to be in violation of the requirements of this section, the County may issue a notice of violation, which may direct that the Data Center take appropriate steps to operate within the requirements of this section. The County administration may require the Data Center operator to propose a solution, and a time period for implementation. If the County administration approves such solution, and the Data Center fails to successfully implement that solution within the time approved, the violator shall be in violation of the ordinance.

5. The Data Center operator shall continue to bear the costs of any sound test or study required to monitor compliance with this section.

6. The Data Center operator shall provide to the County Administrator its three (3) month notice of scheduled generator testing dates and times prior to testing.

7. Other than routine testing during permitted times, the use of backup generators is prohibited except during bona fide emergency power outages.

K. Water Usage, Treatment and Sewer System.

1. Prior to approval of a site plan for a Data Center project, the applicant shall submit to the County an analysis of raw water needs, indicating the quantity of water required for approval. The applicant shall provide the County with a letter from the public water purveyor indicating sufficient capacity and method to serve the proposed Data Center.

2. Evaporative cooling systems requiring any water replacement in excess of ten percent of system capacity within any twelve month period are not permitted in Decatur County. Closed-loop cooling systems or their equivalent shall be the required standard for operational cooling, limiting its water consumption in order to protect local water resources and preserve long-term water availability for residents, agriculture and existing industry. Alternative cooling methods may be permitted only by a variance approval upon demonstration by the applicant that such methods achieve water conservation, efficiency, and environmental protection, as determined by the governing authority and applicable regulatory agencies. Any approved alternative cooling method must minimize water consumption, protect local water resources, and comply with all federal, state, and local environmental regulations, including but not limited to, applicable Georgia Environmental Protection Division and U.S. Environmental Protection Agency standards.

3. Before permit approval is provided, all data centers shall submit a hydro geologic study conducted by an independent third-party engineering firm showing estimated annual water usage. Such report should compare estimated water usage to the prior owner/user of the subject property or of that of similar surrounding areas.

4. The applicant will submit plans for Water Treatment, Discharge and Sewer Systems to the county for approval and obtain approval by the Georgia Department of

Natural Resources: Environmental Protection Division, and the Georgia Department of Health, as applicable.

L. Electric Supply and Lighting.

1. Prior to the County's approval of a permit for a Data Center project, the applicant for a Data Center development shall provide to the County a letter from the electric power supplier confirming capacity and willingness to serve the project.

2. Location, structural, and design plans of electrical service lines and substation(s) shall be subject to review and approval.

3. All exterior site and building lighting shall utilize Dark-Sky compliant (or equivalent) full cutoff, fully shielded (zero uplight) fixtures designed to maintain the existing night sky darkness and to prevent light trespass onto adjacent properties and streets. Light fixtures shall be located at least four (4) times the mounting height of the fixture away from adjacent property lines. The mounting height of all site lighting shall not exceed twenty (20) feet above finished grade.

4. Maximum foot-candles at the property line shall be 0.5. All exterior lighting shall be positioned so as not to create glare to any adjacent property or public street.

M. Retention of Expert Assistance and Reimbursement by Applicant.

1. Decatur County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.

2. To prevent the taxpayers from having to bear the cost related to the issue of the regulation of Data Centers Facilities, an Applicant shall deposit with Decatur County funds sufficient to reimburse the County for all reasonable costs of: the consulting and expert evaluation and consultation with the County or the Applicant in connection with the submission and/or review of any application, any lease negotiations, the pre approval evaluation, and including the construction and modification of the site, once permitted. The initial deposit shall be greater of $25,000.00 or $2,500.00 per mega- watt hour consumption. The placement of the initial deposit with the County shall pre- cede the pre-application meeting or any work being done as regards processing an application. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall

invoice the County for its services in reviewing the Application, including the construction and modification of the site, once permit- ted. If at any time during the process this escrow account has a balance less than one third of the initial deposit sum, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of not less than two thirds of the initial deposit sum is maintained in escrow. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant upon written request.

3. To prevent the taxpayers from having to bear any cost related to the issue of the regulation of Data Center Facilities, no work shall be done on an application for which the full amount of the escrow deposit as set forth in the preceding subsection (2) of this section has not been placed with the County. In the event the escrow deposit minimum balance as set forth in this subsection (2) is not maintained, all work on the Application shall cease until the deposit is replenished as required.

4. The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the Application, necessary discussions with the Applicant and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification, upon approval by the County Code Enforcement Officer.

5. Records of all outside costs associated with the review and permitting process shall be maintained and available for public inspection, in compliance with applicable Georgia law in the Decatur County Code Enforcement Department.

N. Environmental Impact Study.

An application for a Data Center special use permit shall be accompanied by a baseline environmental impact study acceptable to the Board of Commissioners, the contents of which shall include information on potential impacts to air quality, water resources, energy generation, noise, light, traffic, natural resources, and archaeological or cultural resources. The study shall also include information on mitigation of those impacts. The information provided shall be considered by the Commission in determining whether to approve or deny the application. Environmental benchmarks, over and above those in the baseline study, shall be identified by the Board of Commissioners upon approving any use permit.

A study demonstrating compliance with such benchmarks shall be provided to the Board of Commissioners upon application for a building permit.

O. Application, Permit Fee and Approval.

1. No Data Center operation may be developed without review by the Decatur County Planning Commission that all requirements in this ordinance met, as well as compliance with applicable Fire, Safety and Building Codes, and State and Federal rules and regulations.

2. The Planning Commission shall submit a recommendation to the Board of Commissioners of its review within sixty (60) days of submission of all plans by the applicant. In the event the Planning Commission is unable to complete its review and make its recommendation within the time permitted and an extension is not otherwise granted by the Board of Commissioners, the Board of Commissioners may consider the applicant's plan and approve, modify, or deny the application.

3. A permit fee shall be Five Thousand Dollars ($5,000.00) per application.

4. No permits will be issued without final approval from the Board of Commissioners.

P. Decommissioning Plan.

Proposed Data Center facilities shall include a decommissioning plan that includes detailed procedures for the management, recycling, and disposal of electronic waste and all other materials. The Decommissioning Plan shall also include provisions addressing the proper handling, recycling, and disposal of electronic waste and other materials generated as a result of future technological upgrades or equipment replacements. The plan shall include a financial surety, such as a bond or letter of credit, in an amount sufficient to cover the estimated costs of decommissioning, as determined by the Decatur County Board of Commissioners.

Q. Variances.

Variances shall follow the procedural requirements of Section 7.05.01 of this Unified Development Ordinance.

R. Violations, Compliance and Enforcement.

1. Facilities shall be subject to reasonable inspection by the County or its authorized agents, at such times and intervals as determined by the County to verify compliance with this chapter and sections.

2. Violation of any provision constitutes an infraction; each day or incident shall be deemed a separate infraction.

3. County Code enforcement officer, or its designated agent or any other law enforcement officer, may issue a warning or citation.

4. Penalties: Fine up to $1,000 per day for each continuing infraction, with other relief consistent with Georgia law.

5. Injunctive relief may be sought against the offending party to prevent continuing violations or infractions, as provided by law.