ORDINANCE NO._____

AN AMENDMENT TO THE ORDINANCES OF IRWIN COUNTY, GEORGIA PERTAINING TO THE REGULATION OF DATA CENTERS WITHIN THE COUNTY.

WHEREAS, the Irwin County Board of Commissioners, as the governing authority of Irwin County, Georgia exercises the powers, duties, and responsibilities vested in such governing authority through local Acts and Georgia law; and

WHEREAS, Article IX, Section 2, Paragraph 1 of the Georgia Constitution provides counties the authority to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto; and

WHEREAS, the Irwin County Board of Commissioners desires to amend the Irwin County Ordinances to set additional regulations and standards for the building of Data Centers within the County limits; and

WHEREAS, the Irwin County Board of Commissioners has determined that it is in the best interests of the citizens of Irwin County to amend the Irwin County ordinances to set regulations, standards, and permissible uses related to Data Centers.

NOW, THEREFORE BE IT ORDAINED by the Irwin County Board of Commissioners as follows:

SECTION 1. Chapter_____ of the Code or Ordinances of Irwin County, Georgia is adopted as follows:

CHAPTER _____

Sec. _____. Purpose

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.

By enacting this chapter, it is the intent of the Irwin 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 Irwin 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) reviews, 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

Sec. . 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).

Commercial cryptocurrency mining means the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, 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,

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.

Sec. . Applicability

(a) 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.

(b) All data centers shall be designed, erected, and installed in compliance with applicable local, state, and federal codes, regulations, and standards, including Georgia's proposed DRI rules for technological facilities requiring disclosure of projected energy and water demands.

(c) Data centers exceeding DRI thresholds (175,000 square feet in non-metropolitan areas) shall undergo state-level review coordinated with the Southern Georgia Regional Development Center. Such review may be delayed or postponed, as permitted by Georgia law, but must be completed, if applicable, before the issuance of any Certificate of Occupancy.

(d) Commercial Cryptocurrency Mining operations are specifically prohibited in Irwin County.

Sec_____. Standards

(a) *Siting and Design Standards*. 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:

(1) All structures shall have permanent concrete foundations.
(2) Exterior facades shall use muted earth-tone colors and shall be free of defects, decay, or corrosion
(3) Use of shipping containers, railroad cars, semi-truck trailers, or similar temporary storage units is prohibited.
(4) Data centers shall be located only on sites that meet the following criteria to ensure compatibility with surrounding land uses:
  (i) Minimum parcel size of 50 acres unless a variance is granted by the Board of Commissioners upon demonstration of no adverse impacts to infrastructure or natural resources.
  (ii) At least 1,000 feet from the structure of any existing residential dwelling. This will be measured from the nearest point of the data center building to the residential structure.
    (a) Data centers that are to be built less than 1,000 feet of any existing residential dwelling will be permitted only if: 1) the property owner of such existing residential dwelling provides written consent and agreement to the County regarding the location of the data center, or 2) the subject existing residential dwelling is moved from within the 1,000 feet requirement before the issuance of any land disturbance permit.
  (iii) At least 1,000 feet from the structure of any schools, places of worship, hospitals, or public parks. This will be measured from the nearest point of the data center building to the structure.
  (iv) Outside of any FEMA-designated Special Flood Hazard Area (100-year floodplain).
  (v) With direct access to a state or federal highway or county road capable of accommodating heavy truck traffic, as determined by the County Engineer.
  (vi) Not within 1 mile of an incorporated municipal boundary unless coordinated with the adjacent municipality.
(5) Setbacks: 300 feet from front property lines; 300 feet from side and rear property lines.
(6) Data centers shall provide a minimum fifty (50) foot vegetation buffer along all residentially zoned property lines. Buffers may include existing vegetation. If new trees are planted, evergreen trees shall be planted to provide year-round visual screening.

(7) Maximum building height: 100 feet, with up to an additional fifteen (15) feet for parapet and rooftop equipment, not to exceed one hundred and fifteen (115) feet total, subject to applicable Federal, State, and Local regulations.

(8) Floor Area Ratio (FAR): Not to exceed 0.5.

(b) *Noise Standards.* Operators shall not cause or permit noise exceeding 60 dBA (daytime, 7:00 a.m. to 10:00 p.m.) or 50 dBA (nighttime, 10:00 p.m. to 7:00 a.m.) at the nearest occupied residential building or sensitive receiver (e.g., schools, hospitals).

(1) Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages.

(2) Testing of backup generators is limited to weekdays during the hours between 9:00 a.m. and 5:00 p.m. and shall not occur on Federal holidays.

(c) *Noise Compliance Testing.* Prior to certificate of occupancy, submit a report from a licensed noise control engineer demonstrating compliance, using Type 1 sound level meters with 15-minute averaging. Costs borne by applicant. Barriers or mitigation devices may be required at county discretion.

(d) *Water Usage Standards.* Only closed-loop cooling systems are permitted in Irwin County. There shall be no discharge of cooling water into public sewers or ground without treatment.

(e) *Electrical and Energy Standards.* All exterior site and building lighting shall utilize 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. At any property line abutting a residential use, the lighting shall not exceed 0.05 footcandles measured at ground level.

(f) *Fire Safety and Emergency Standards.*

(1) Install active clean-agent fire suppression systems with high-sensitivity smoke detectors.

(2) A site-specific Emergency Response Plan (ERP) shall be prepared by the operator and coordinated with local fire and emergency services prior to issuance of a Certificate of Occupancy.

(g) Security and Operations
    (1) Install an 8-foot security fence around the perimeter of the campus of the data center.
    (2) Display 24-hour emergency contact signage at entrances, including owner, phone, and utility contacts.
    (3) Controlled access gates, security signage, and continuous on-site or remote surveillance shall be required.

(h) Traffic and Parking. Data centers shall provide a maximum of two (2) parking spaces for each employee assigned to the facility, based on the maximum number of employees on-site at any one time

(i) All standards set in Sec. _____ shall be maintained post occupancy

Sec_____. Violations

    (a) Violation of any provision constitutes an infraction; each day or incident is separate.
    (b) Code enforcement officer, or any other law enforcement officer, may issue warning or citation case by case.
    (c) Penalties: Fine up to $1,000 per day for continuing violation, with other relief consistent with Georgia law.

SECTION 2. Sec 5.2 of the Zoning Code of Irwin County, Georgia is amended by adding the following rows to the table of permitted uses:

	AU	RR	R1	R1A	R20	MHP	RC	GB	WLI	HI	CA
Data Centers, as defined in Chapter ____	SE								SE	SE	
Commercial Cryptocurrency Mining, as defined in Chapter											

SECTION 3. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentences, paragraph, or section of this ordinance is declared illegal or void by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, paragraphs, and section of this ordinance.

SECTION 4. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. The ordinance shall be effective immediately upon its adoption by the Irwin County Board of Commissioners.