

**ARTICLE XX. High Technology Data Center Facilities.**

The following standards are intended to guide the development of data center facilities and/or associated facilities in a manner that protects the public health, safety, and welfare and avoids significant impacts on resources and adjacent land uses.

**Section XX. Title.**

This ordinance shall be known and may be cited as the "High Technology Data Center Facilities Ordinance of [City/County], Georgia," and may be referred to as the "data center ordinance."

**Section XX. Intent.**

The intent of this data center ordinance is to:

Minimize the potential adverse effects associated with the construction of data center campuses and/or facilities through the implementation of reasonable design, landscaping, and construction practices.

**Section XX. Applicability.**

1. The following provisions are applicable to this data center campus and/or facility ordinance:
  - a. Data center campuses and/or facilities permitted prior to the effective date of this ordinance shall be required to meet the requirements of Section XX. Annual Reporting.
  - b. Data center campuses and/or facilities constructed after the effective date of this ordinance shall be required to meet the requirements of this ordinance.
  - c. Any upgrade, modification, or structural change that materially alters the size or placement of an existing data center campus and/or facility shall comply with the provisions of this ordinance.

**Section XX. List of definitions.**

1. Except as specifically defined herein or within article XX of these regulations, all words used in this section shall carry their customary meanings as defined in a standard dictionary.
2. For purposes of this section, the following definitions shall apply:
  - a. Accessory structure. Anything constructed or erected which requires permanent location and is subordinate to a building or structure on the same lot.
  - b. Administrative approval. Zoning approval that the director of community development is authorized to grant after administrative review.
  - c. Administrative review. Non-discretionary evaluation of an application by the director of community development as established herein and is not subject to a public hearing.
  - d. Cryptocurrency Mining Operation. Cryptocurrency mining operations are a unique class of High-technology data centers, and means the use of computers or specialized hardware, including but not limited to Application-Specific Integrated Circuit (ASIC) miners, to validate blockchain transactions, earn cryptocurrency, or secure a digital ledger network.
  - e. High-technology data center. A High-technology data center or data center, means a facility, campus of facilities, or array of interconnected industrial facilities in this state that is developed to power, cool, secure, and connect its own equipment or the computer equipment of high-technology data center customers. [Georgia Statute 48-8-

3(68.1)(G)(ii)]. A facility engaged in the storage, management, processing, or transmission of digital data, which houses computer or network equipment, systems, servers, or appliances, and other associated components related to digital data operations.

**Section XX. Permitting uses and approval process for data center campuses and/or facilities.**

1. Administrative review and approval.
  - a. Data center campuses and/or facilities shall only be considered within M (Industrial) zoning districts, upon application to and approval by the [city council/board of commissioners], in accordance with the provisions identified herein.
  - b. No person, entity, or organization shall establish or operate a cryptocurrency mining operation within the boundaries of [City/County Government Name].

**Section XX. Submittal requirements applicable to all new applications.**

The information below shall be provided as a part of each application for data center campuses and/or facilities:

1. Application fees. As set forth in appendix XX, appendix—fee schedule.
2. Permit fees. As set forth in XX.
3. Property survey. A certificate from a Georgia registered land surveyor showing a scale drawing of the location of the principal building(s), accessory structure(s), septic fields, wetlands, existing streams and associated buffers, floodplain and other features.
4. Site plan. A detailed site plan identifying the location and dimensions of existing and/or proposed structures, set-backs, buffers, driveways, parking areas, accessory structures, substations, transmission lines, backup energy sources (i.e. generators, fuel storage, etc.), existing vegetation, utilities, and the location of proposed site improvements to include, but not be limited to: data center halls, ancillary equipment, screening, fencing and buffer vegetation. The site plan shall also include the location of any residences within 250 feet of the perimeter of the property, and the location of any proposed access easements.
5. Elevation sketch. A drawing illustrating the height and orientation of all buildings, transmission, generation, and other structures.
6. Noise evaluation report. A noise evaluation and sound modeling report for each data center facility, substation or other associated facility that emits noise in the project. The report shall state, at minimum, the daytime and nighttime base-line noise level at a point on the property line closest to the primary dwelling on an adjoining non-participating parcel; the potential noise level generated by each data center facility, substation or other associated facility associated with the project; and the manufacturer's technical documentation for each data center facility, substation or other associated facility equipment noise levels. The noise evaluation report shall include the projected maximum levels of high and low frequencies: projected maximum levels of infrasonic sound, ultrasonic sound, impulsive noise and prominent discrete tones generated and measured at a point on the property line closest to the primary dwelling on an adjoining nonparticipating parcel. The report shall include a map depicting the noise study area radius, project boundaries, sound level monitoring locations and the nearest receptor locations. The noise evaluation report shall include any potential mitigation actions to ensure that sound level

does not exceed 40dBA as measured at the property line point(s). The report shall be completed and available to the public prior to the first community meeting.

7. Water consumption plan: The plan will
  - a. Outline the total water requirements—including daily demand, daily wastewater generation, and daily consumptive use—of the data center, including for cooling and other purposes.
  - b. Outline the water needs as they correspond to the phasing of construction.
  - c. Indicate that the [city/county/regional water supplier] has been consulted.
8. Water conservation and sustainability plan: The plan
  - a. Must demonstrate that the water usage will not significantly strain the [city/county] and region's water supplies from the XX River/Creek/Lake/Aquifer and other sources.
  - b. Will include measures, strategies, techniques and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or establish use of reclaimed water by the large quantity water user
  - c. Will detail the facility's methods to reduce water demands and alter operations in the event of a water disruption, a significant drought event affecting water supplies for critical facilities, or emergency periods of water shortage.
  - d. Will include results of Ground Water Testing. With each approved Data Center Special Use Permit application, an optional water analysis of active wells within one-quarter mile of the Site Area shall be offered by the Operator prior to the installation of the equipment in the data center.
    - i. This offer shall be made to all owners of property within 1/4 mile of the Site Area by certified mail, at least one-month prior to the installation.
    - ii. A copy of the certified letter and a list of property owners notified shall be provided to the Zoning and Codes Department along with a list of all property owners who requested the testing and the results of that testing. This must occur prior to the installation of the facility.
    - iii. The test shall analyze the water in the nearby wells for sediment and turbidity, and substances such as lead and cadmium, as determined with the Special Use Permit, and shall include a pesticide panel.
    - iv. The results of ground water testing shall be provided to the Director of [city/county] Department and sent by certified mail to the landowner.
9. Energy consumption plan: outlining estimates of peak electricity demand and strategies for mitigating strain on local power infrastructure, including proposed investments, improvements or alternatives to minimize the need for additional energy infrastructure.
10. Transmission line impact assessment: identifying the need for new or upgraded transmission lines to meet the data center's electricity requirements. This assessment must include the potential environmental impact on public land, including tree removal from city-owned land and rights-of-way, and on adjacent properties.
11. Tree preservation and reforestation plan: outlining efforts to minimize tree removal and enhance urban forestry efforts, especially when transmission lines cross public land, park areas

or county right-of-ways.

12. Stormwater management plan: addressing how the site's development, land disturbance, construction, and operation will manage stormwater runoff, as well as any mitigation measures to prevent negative impacts on waters of the state and local water system infrastructure.
13. Construction plan: outlining the stages and phases of construction, traffic management plan, anticipated daily hours of active construction, erosion and soil control plan, and dust mitigation plan.
14. Hazardous materials. Present a plan, compliant with federal and state laws, to be implemented upon the release or exposure of any hazardous materials from the site. Causation for release or exposure includes but not limited to: damage from natural occurrences such as inclement weather or damage from manmade events such as a motor vehicle collision or criminal acts of destruction.
15. Abandonment, Decommissioning, and Reclamation Plan: A decommissioning/reclamation plan shall be required to ensure that all structures and equipment are properly removed after their useful life. Decommissioning of Data Center or its components must occur in the event that they do not properly operate and have no demonstrated plan to restore to operating condition.
16. Bond Requirement: The applicant shall post a bond, with the [City/County] Clerk, establish an escrow account, or provide such other financial security deemed acceptable by the County, in an amount equal to the estimated decommissioning costs, to ensure proper decommission and reclamation of the site.
17. Additional requirements. The [city/county] may require other studies, reports, certifications, and/or approvals to ensure compliance with this section.

#### **Section XX. Community Meetings**

After submitting an application, the Applicant must schedule and attend two (2) community meetings with residents to describe the project. The meetings must

1. occur at least fourteen (14) days apart,
2. must be conducted within [city/county], and
3. be conducted between the hours of 5pm and 8pm.

Notice of the community meetings must be mailed to all property owners within 1,500-feet of the property lines. A representative of the data center developer or operator with decision-making authority on the design of the data center must attend the community meetings. The Applicant or property owner must post signage on the subject property, at least fourteen (14) days before each community meeting. The signage must be located along an arterial street or other high-visibility location as reasonably determined by the [city/county department] Director. The content of the sign shall include the applicant's name and contact information, a brief description of the Data Center project, and the date, time, and location of the community meeting, and must be reviewed and approved by the [city/county department] Director before installation. The Applicant must remove the signage at the conclusion of the community meetings. The applicant must provide written affirmation of compliance with this requirement.

#### **Section XX. Specific requirements applicable to all new data center campuses and/or facilities.**

1. Data center facilities shall comply with the local floodplain management ordinance, as applicable, and shall not be permitted within the floodway.
2. Data center campuses and/or facilities must comply with International Building Code and International Residential Code requirements, as applicable.
3. Buffers. Data center buildings that adjoin property zoned or used for residential purposes are subject to the following requirements:
  - a. Minimum Buffer: 300 feet from the property line;
  - b. Vegetation. Where a buffer is required, the first 100 feet along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements; however, if the first 100 feet along the property line is devoid of vegetation, it shall be planted in accordance with Article XX. The remaining 100 feet buffer may be disturbed and graded. If the buffer is disturbed, it shall be planted in accordance with Article XX.
4. Clearing of natural vegetation shall be limited to that which is necessary for construction, operation, and maintenance of the data center facility and campus compliant with applicable sections within chapter XX—environment, of the [city/county] Code of Ordinances.
5. No more than 50 contiguous acres or 50 acres of a project site may be disturbed at any one time.
6. Noise
  - a. Nighttime. Between 9:00 p.m. and 7:00 a.m., the data center shall not generate noise in excess of 40 dB(A) or 10dB(A) above ambient levels (whichever is more), when measured at the property boundary line shared with a residentially zoned property using a calibrated sound level meter.
  - b. Daytime. Between 7:00 a.m. and 10:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10dB(A) above ambient levels (whichever is more), when measured at the property boundary line shared with a residentially zoned property using a calibrated sound level meter. For data centers located within 500 feet of any allowed residential use or district, place of worship, daycare, park, lodging establishment (including bed and breakfast inn, campground and recreational vehicle park, hotel and motel, nightly rental, and timeshare unit), and educational facilities, the SPL attributable to the facility shall not exceed fifty (50) dBC at all data center property line.
  - c. Testing of backup generators is limited to weekdays during the hours between 9:00 a.m. and 5:00 p.m. and limited to no more than three (3) days per week, two (2) hours per day.
  - d. Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages.
  - e. Quarterly noise monitoring when measured at the property boundary line shared with a residentially zoned property using a calibrated sound level meter must be submitted by a licensed sound engineer hired by [Government Name] at the expense of the operator.
7. Screening: Any portion of the data center campus or facility that abuts residential uses and/or public rights-of-way shall be buffered by one or a combination of the following:

- a. Absent mature vegetation, a double row of evergreen shrubs and/or trees installed in staggered rows at a height of no less than 15 feet and achieving opaqueness and a minimum height of 20 feet in five years.
  - b. On-site mature vegetation existing at a minimum height of 15 feet and a depth of 100 feet between the footprint of the solar energy facility and adjacent properties or rights-of-way, unless otherwise conditioned by the board.
  - c. In combination with existing vegetation, a single row of evergreens installed at a height of no less than 15 feet and achieving opaqueness and a minimum height of 20 feet in five years.
  - d. All planted buffers shall be comprised of a minimum of three genera of approved plant material. If three genera of plant material are to be utilized within the buffer, then no genus shall comprise more than 33 percent of the total number of plants within the buffer.
  - e. When the above requirements are in conflict with the buffer requirements for incompatible uses contained within [article XX], then the stricter requirement(s) shall apply.
8. Airport Hazard District: Data center facilities proposed within a two-mile radius of any airport shall present evidence they have gone through a review process with the Federal Aviation Administration (FAA). This review from the FAA shall indicate that the proposed facility shall not interfere with normal operation of aircraft in the area.
  9. Site lighting: All lighting shall be activated by motion sensors, be fully shielded, and be designed to maintain the existing night sky darkness and to prevent light trespass onto adjacent properties and streets.
  10. Substations. Substations are considered accessory uses to data centers and shall not be located within 300 feet of an adjacent public road or residentially zoned property.
  11. Maintenance and upkeep: The operator of the data center facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash, and debris.
  12. Removal of obsolete or unused structures and/or equipment: Obsolete or unused facility structures and/or equipment shall be removed from the subject property and disposed of properly.

**Section XX. Annual Reporting**

Data center owners and/or operators shall submit to [city/county department] Director an annual report by December 31, 20XX, and annually by December 31 thereafter, including:

1. General information about the facility
  - a. The name and address of the facility;
  - b. The owner or operator of the facility;
  - c. A description of the nature and purpose of the facility;
  - d. The total square footage of the facility; and
  - e. Any publicly announced plans for expansion of the facility.

2. Information related to energy usage by the high resource use facility, including:
  - a. The mean amount of energy used per day measured in kilowatt-hours;
  - b. The mean amount of energy used from all sources per hour during peak load measured in kilowatt-hours and frequency of peak load per week
  - c. The overall percentages of energy used, calculated prior to considering any carbon offsets, that are generated from fossil fuel, renewable energy, and other energy sources;
  - d. The sources and providers of each type of energy used;
  - e. Any service contract with an electric supplier; and
  - f. The annual amount of waste heat produced on-site measured in British thermal units;
3. Information related to water usage by the high resource use facility, including:
  - a. The sources of water used in the facility, including, but not limited to, rain water, treated water, well water, on-site reservoir, and gray water;
  - b. The amount of water used annually measured in gallons;
  - c. The mean amount of water used daily measured in gallons;
  - d. The annual amount of water discharged daily as wastewater measured in gallons;
  - e. The annual amount of water emitted into the environment measured in gallons; and
  - f. The quantity in gallons and method of pretreatment of water being discharged to a permitted wastewater disposal system, if any, to remove pollutants or change the water temperature before being discharged or emitted into the environment; and
4. Other information regarding community impact of the high data center, including:
  - a. The total amount of ad valorem taxes paid in the previous five years with respect to the facility;
  - b. Any air quality permits required; and
  - c. Noise report: The operator will provide the results of the quarterly noise monitoring emitted by the facility.

**Section XX. Effective date.**

This article shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

**Section XX. Authority.**

This local ordinance is enacted pursuant to applicable authority granted by the state and federal government.

# Addendums and other great language

## Decommissioning<sup>1</sup>

Upon cessation of use of the Property as a Data Center Campus, it shall be decommissioned as set forth below:

A. Decommissioning is the process of safely closing and dismantling a data warehouse, including the removal of all equipment, hazardous materials, and restoration of the site.

B. Decommissioning Plan:

1. Submission Requirement: Developers must submit a decommissioning plan to the Spalding County Community Development Department prior to the issuance of a building permit for a data warehouse.

2. Plan Contents: The decommissioning plan shall include, at a minimum:

- **Timeline:** A detailed timeline for the decommissioning process, including key milestones and estimated completion dates for each phase of the decommissioning activities.
- **Equipment and Material Removal Procedures:** Specific procedures for the safe dismantling and removal of all equipment, materials, and structures from the data warehouse site. This should include methods for handling and transporting equipment to prevent damage and ensure safety.
- **Hazardous Materials Management:** Detailed methods for identifying, handling, and disposing of hazardous materials in compliance with federal, state, and local regulations. This should include a list of all hazardous materials present on-site and the procedures for their safe removal and disposal.
- **Site Remediation Plan:** A comprehensive plan for site remediation, including soil and groundwater testing, identification of any contamination, and proposed cleanup measures. This should also include a timeline for remediation activities and methods for monitoring and verifying the effectiveness of the remediation efforts.
- **Site Restoration Plan:** A detailed plan for restoring the site to a condition suitable for future use. This should include the removal of any remaining structures, re-vegetation, landscaping, and any other necessary measures to ensure the site is safe and aesthetically pleasing.
- **Health and Safety Measures:** Procedures to ensure the health and safety of workers and the surrounding community during the decommissioning process. This should include measures for dust control, noise reduction, and protection from hazardous materials.
- **Compliance and Reporting:** A plan for ensuring compliance with all applicable regulations and the approved decommissioning plan. This should include procedures for regular reporting to the Spalding County Community Development Department, including progress reports and a final decommissioning report.

C. Decommissioning Compliance: Compliance during the decommissioning process will be monitored through several key methods to ensure that all activities adhere to the approved decommissioning plan and applicable regulations. Here are the primary methods:

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<sup>1</sup> [d3n9y02raazwpg.cloudfront.net/spaldingcounty/60edb0c9-c4ad-11f0-a7da-005056a89546-77d9b40e-9436-4527-a290-67656428380e-1763994731.pdf](https://d3n9y02raazwpg.cloudfront.net/spaldingcounty/60edb0c9-c4ad-11f0-a7da-005056a89546-77d9b40e-9436-4527-a290-67656428380e-1763994731.pdf) – Spalding Co Planning Commission - Regular Meeting, November 25, 2025, 6:00 PM

1. **Regular Inspections:** The Spalding County Community Development Department will conduct regular inspections of the data warehouse site. These inspections will verify that decommissioning activities are being carried out according to the approved plan and identify any deviations or non-compliance issues early on.
2. **Progress Reports:** Developers are required to submit quarterly progress reports detailing the decommissioning activities completed during the reporting period. These reports will include summaries of work done, any deviations from the plan, reasons for deviations, and updated timelines for remaining activities. This ensures continuous oversight and accountability.
3. **Final Report:** Upon completion of the decommissioning process, developers must submit a comprehensive final report. This report will include a detailed account of all decommissioning activities, documentation of equipment and hazardous materials removal, evidence of site remediation and restoration, compliance certification, financial summary, and a community impact assessment.
4. **Documentation and Record-Keeping:** Maintaining thorough documentation and records of all decommissioning activities is crucial. This includes records of equipment removal, hazardous materials disposal, site remediation efforts, and compliance with data protection regulations. Proper documentation ensures transparency and traceability.
5. **Third-Party Audits:** In some cases, third-party audits may be conducted to provide an independent assessment of the decommissioning process. These audits can help verify compliance with regulations and industry standards, ensuring that all activities are performed responsibly and safely.

#### D. Financial Assurance:

1. **Decommissioning Bond Requirement:** Developers must provide a decommissioning bond to cover the cost of decommissioning, removal, remediation, and mitigation of the property. The bond amount shall be adequate to ensure the complete decommissioning of the data warehouse and restoration of the site.
2. **Bond Amount Determination:** The amount of the decommissioning bond shall be determined by the Spalding County Board of Commissioners based on an estimate provided by a qualified independent engineer. The estimate shall include:
  - Costs for the removal of all equipment and materials.
  - Costs for the disposal of hazardous materials.
  - Costs for site remediation and mitigation, including soil and groundwater testing and cleanup if necessary.
  - Costs for site restoration, including re-vegetation and any necessary landscaping.
3. **Bond Review and Adjustment:** The bond amount shall be reviewed and adjusted periodically, as determined by the Spalding County Board of Commissioners, to ensure it remains adequate to cover the decommissioning costs.
4. **Form of Financial Assurance:** The financial assurance may be provided in the form of a bond, escrow account, letter of credit, or other financial instrument acceptable to the Spalding County Board of Commissioners. The form of financial assurance must be sufficient to cover the estimated costs of decommissioning, removal, remediation, and site restoration.

5. Release of Financial Assurance: The financial assurance shall not be released until the Spalding County Community Development Department has verified that the decommissioning, removal, remediation, and site restoration have been completed in accordance with the approved decommissioning plan and all applicable regulations. A final inspection and approval by the Spalding County Community Development Department are required before the release of the financial assurance.

6. Use of Financial Assurance: In the event that the developer fails to complete the decommissioning, removal, remediation, and site restoration as required, the Spalding County Board of Commissioners shall have the right to use financial assurance to cover the costs of completing the decommissioning process. Any remaining funds after the completion of the decommissioning process shall be returned to the developer.

#### E. Reporting Requirements:

1. Progress Reports: Developers must submit quarterly progress reports to the Spalding County Community Development Department during the decommissioning process. These reports shall include:

- A summary of decommissioning activities completed during the reporting period.
- Any deviations from the approved decommissioning plan and the reasons for such deviations.
- An updated timeline for the remaining decommissioning activities.

2. Final Report: Upon completion of the decommissioning process, developers must submit a final report to the Spalding County Community Development Department. The final report shall include:

- Detailed Account of Decommissioning Activities: A comprehensive description of all decommissioning activities performed, including the dismantling and removal of equipment, structures, and materials.
- Documentation of Removal and Disposal: Records and receipts documenting the removal and proper disposal of all equipment, materials, and hazardous substances in accordance with federal, state, and local regulations.
- Site Remediation and Restoration Evidence: Evidence of site remediation and restoration efforts, including soil and groundwater testing results, photographs of the site before and after decommissioning, and any necessary environmental cleanup reports.
- Compliance Certification: A statement certifying that the decommissioning was completed in accordance with the approved decommissioning plan and all applicable regulations. This certification should be signed by a qualified independent engineer or environmental consultant.
- Financial Summary: A financial summary detailing the costs incurred during the decommissioning process, including the use of decommissioning bond funds.
- Community Impact Assessment: An assessment of the impact of the decommissioning on the surrounding community, including any measures taken to mitigate negative effects and feedback from community stakeholders. This assessment should include:
  - Community Engagement: Documentation of any community meetings or consultations held during the decommissioning process, including feedback received and how it was addressed.
  - Mitigation Measures: Details of any measures taken to mitigate negative impacts on the community, such as noise reduction, traffic management, and dust control.

- Post-Decommissioning Use: Information on the intended future use of the site and any plans for redevelopment or repurposing.

F. Compliance and Enforcement:

1. Inspections: The Spalding County Community Development Department shall have the right to inspect the data warehouse site at any time during the decommissioning process to ensure compliance with the approved decommissioning plan and all applicable regulations. Inspections may be scheduled or unscheduled and shall include, but are not limited to, the following:

- Initial Inspection: An initial inspection to verify that the decommissioning plan is being followed and that all necessary preparations have been made.

- Periodic Inspections: Regular inspections throughout the decommissioning process to monitor progress and ensure ongoing compliance with the decommissioning plan.

- Final Inspection: A final inspection upon completion of the decommissioning process to verify that all activities have been carried out in accordance with the approved plan and that the site has been properly restored.

2. Penalties: Failure to comply with the decommissioning requirements may result in penalties, including fines and revocation of permits. Specific penalties may include:

- Fines: Monetary fines imposed for each day of non-compliance or for specific violations of the decommissioning plan or applicable regulations.

- Permit Revocation: Revocation of permits issued for the data warehouse, which may result in the cessation of all decommissioning activities until compliance is achieved.

- Legal Action: The Spalding County Board of Commissioners may pursue legal action to enforce compliance with the decommissioning requirements, including seeking court orders to compel compliance or recover costs incurred by the county in completing the decommissioning process.

- Bond Call Penalty: In the event that the Spalding County Board of Commissioners is required to call the decommissioning bond to complete the work, the developer shall be liable for an additional penalty. This penalty shall be equal to 10% of the bond amount and shall be used to cover administrative costs and any additional expenses incurred by the county in managing the decommissioning process.