

Sec. _____ . - Data processing center

Section 1. Purpose and Intent

Data centers are unique developments associated with technology, information systems, data infrastructure, data hosting and management, data processing, data storage, and related services. Due to their operational characteristics, data centers may generate substantially less traffic than traditional industrial uses while requiring significant electrical and utility infrastructure that may not be readily available in existing industrially zoned areas.

The purpose of this Section is to establish standards and procedures for permitting data centers in appropriate locations while protecting surrounding properties, residents, environmental resources, public health, safety, and welfare, and the character of the County.

Section 2. Definition

Data Center: A physical building or facilities associated with technology, information systems, data infrastructure, data hosting and management activities, and similar information-age uses, including data processing, data storage, and related services. Structures and land may also be used for uses customarily incidental and accessory to the primary data center use.

Closed-Loop Cooling System: A sealed cooling system in which water or another cooling fluid is continuously recirculated within the cooling system and is not routinely discharged, consumed, evaporated, or replaced through normal cooling operations.

Section 3. Land Use

A. I (Industrial) District

A data center may be permitted within an I (Industrial) zoning district, subject to the applicable use procedures, site plan review requirements, and all other development regulations and standards.

B. Minimum Parcel Area.

A data center shall be located on a parcel or assemblage of contiguous parcels containing a minimum of ten (10) acres.

C. Conditional Use Versus Rezoning.

Because a data center may be permitted as a Conditional Use rather than through rezoning to the I, Industrial District, the applicant shall demonstrate that the proposed location is appropriate for a data center and that the property is better suited for a Conditional Use than rezoning to the I District.

D. Utility, Water, Electric, and Gas

As part of the Concept Plan submittal, the applicant shall provide a utility inventory identifying existing and proposed utility infrastructure necessary to serve the development. The inventory shall include, as applicable, electrical transmission and distribution lines, utility corridors, easements, water and wastewater infrastructure, natural gas facilities, and other significant utility infrastructure.

The utility inventory shall demonstrate the availability and suitability of the proposed utility infrastructure to support the development and shall identify any significant utility improvements, extensions, or easements necessary to serve the proposed data center.

Letters of approval or capacity confirmation from all applicable utility providers shall be submitted with the Concept Plan. Each letter shall confirm that the utility provider has the capacity and ability to accommodate the development's projected maximum peak demand and all required utility infrastructure, including any necessary improvements, extensions, or upgrades.

E. Review Criteria.

In reviewing a Conditional Use application for a data center, the County shall consider the potential impacts of the proposed development on surrounding properties and the community, including, but not limited to:

1. Traffic and transportation impacts;
2. Noise;
3. Exterior lighting;
4. Visual impacts;
5. Electrical and other utility infrastructure;
6. Groundwater and other environmental resources;
7. Stormwater and drainage;
8. Compatibility with adjacent land uses; and
9. Other impacts reasonably related to the proposed development.

F. Additional Conditions.

The County may impose additional conditions reasonably necessary to mitigate impacts associated with the proposed data center. Such conditions may include, but are not limited to, increased setbacks, enhanced landscaping or screening, additional buffers, noise limitations, lighting restrictions, traffic-control measures, limitations on hours of construction, utility-related requirements, stormwater controls, environmental protections, and other appropriate development standards.

Section 4. General Development Standards

All data centers shall comply with the following minimum development standards, in addition to all other applicable requirements of this Ordinance and the County's development regulations.

A. Building Height

Principal buildings shall not exceed fifty (50) feet in height, measured from the structure pad level.

This height limitation shall not apply to accessory or incidental structures and equipment such as water towers, conveyor systems, smokestacks, and other similar uninhabited structures or components customarily associated with the operation of a data center.

B. Setbacks

A minimum setback of one hundred (100) feet shall be maintained from all exterior property lines when the property is zoned I (Industrial). When an Industrial-zoned property is adjacent to or abuts property zoned Residential, a minimum setback of four hundred (400) feet shall be maintained from the adjoining residential property line. See Section 4(G) for additional applicable requirements.

C. Minimum Lot Frontage

The development shall have a minimum of one hundred (100) feet of frontage adjoining a public street.

D. Minimum Lot Width

The minimum lot width at the building line shall be one hundred (100) feet.

E. Minimum Lot Area

The minimum lot area shall be ten (10) acres.

F. Green Space

1. All data centers shall maintain a minimum of fifteen percent (15%) of the total parcel area as green space.

2. Green space shall consist primarily of natural vegetation and may include trees, shrubs, flowers, native grasses, and other appropriate plant materials.
3. Required green space shall be maintained in a healthy, orderly, and aesthetically pleasing condition and shall be regularly groomed and maintained.
4. Required green space shall not be used for the placement of buildings, equipment, parking areas, driveways, storage, or other impervious surfaces, except as specifically permitted by the County.
5. The property owner or data center operator shall be responsible for the ongoing maintenance, replacement, and care of all required vegetation and landscaped areas.

G. Buffer and Screening Requirements

1. In addition to required setbacks, a minimum four-hundred-foot (400) buffer shall be maintained along property boundaries adjoining residentially used or residentially zoned property, unless a greater buffer is required as a condition of Conditional Use approval.
2. The required buffer shall remain undisturbed to the maximum extent practicable.
3. Where the Zoning Administrator determines that an undisturbed buffer will not provide adequate visual screening, the Zoning Administrator may require supplemental landscaping, berms, fencing, walls, or other improvements necessary to provide adequate screening for adjoining properties.
4. The required buffer shall be maintained in perpetuity for the life of the data center use, subject to approved modifications or replacement plantings.

H. Air-Conditioning, HVAC, and Mechanical Equipment

1. Air-conditioning units, HVAC systems, generators, mechanical equipment, and similar exterior equipment shall be thoroughly screened from view from public rights-of-way and adjacent properties through the use of walls, fencing, architectural elements, roof elements, landscaping, or a combination thereof.
2. The screening requirement shall not apply where the equipment is located more than four hundred (400) feet from an adjacent property line, unless otherwise required as a condition of approval.

I. Front Building Facade

1. The front building facade of each principal building shall be oriented toward the street frontage or an adjacent arterial street frontage.

2. This requirement shall not apply when the front of the building is located more than four hundred (400) feet from the public right-of-way or when the building is not visible from the public right-of-way.

J. Security Fencing and Walls

1. Security fencing and walls shall not be located within a required buffer unless such fencing or wall complies with the general fencing regulations of this Ordinance and has been approved as part of the development plan.
2. Fences and walls located outside required setbacks and buffers shall not be subject to otherwise applicable height limitations when necessary for site security, provided that they comply with applicable safety and visibility requirements.

K. Accessory Structures

1. Accessory structures shall comply with the standards of the applicable zoning district and all other applicable County regulations.
2. Notwithstanding other provisions of this Ordinance, guardhouses, security buildings, and secured-entry features shall be permitted at public road entrances when customarily associated with the operation of the data center.

L. Internal Development Roads

Internal development roads may be public or private and shall comply with applicable County engineering standards and development regulations.

Section 5. Exterior Lighting

Exterior illumination shall be designed to minimize impacts on surrounding properties and preserve existing nighttime darkness to the greatest extent practicable. Lighting shall be shielded and directed downward to prevent glare and light trespass onto adjacent properties.

The following minimum standards shall apply:

- A. All exterior lighting fixtures shall be full-cutoff fixtures.
- B. Light poles shall not exceed twenty (20) feet in height.
- C. All light poles shall be set back a minimum of fifty (50) feet from any exterior property line.
- D. Illumination at any exterior property line shall not exceed a maximum of 0.5 foot-candles.

E. The Zoning Administrator may require a photometric lighting plan demonstrating compliance with these requirements as part of the Concept Plan, site plan, building permit, or other applicable development review.

Section 6. Noise

Data center operations shall be designed and operated to minimize noise impacts on surrounding properties.

A. Daytime Noise Standard

Data center operations shall not produce continuous sound exceeding an average of 65 decibels (dBA) over any thirty (30)-minute period between 8:00 a.m. and 6:00 p.m., measured at any adjacent property boundary between the data center site and a residential property.

B. Nighttime Noise Standard

Data center operations shall not produce continuous sound exceeding an average of 55 decibels (dBA) over any thirty (30)-minute period between 6:00 p.m. and 8:00 a.m., measured at any adjacent property boundary between the data center site and a residential property.

C. Sound Testing

Following issuance of a Certificate of Occupancy for each data center building, the County may conduct or require the data center owner or operator to provide a professional sound study to verify compliance with the applicable noise standards.

D. Notice of Violation and Corrective Action

If a data center is determined to be in violation of the applicable noise standards, the County may issue a notice of violation requiring the owner or operator to take appropriate corrective action.

The Zoning Administrator may require the owner or operator to submit a corrective-action plan identifying the proposed solution and a reasonable period for implementation. If the corrective-action plan is approved by the Zoning Administrator, the owner or operator shall implement the approved corrective measures within the time period established by the County.

E. Penalties

Failure to successfully implement an approved corrective-action plan within the established time period may constitute a violation of this Ordinance and may be subject to applicable enforcement remedies, including a civil penalty of up to one thousand dollars (\$1,000) per day for each day the violation continues, to the extent authorized by applicable law.

F. Cost of Testing

The data center owner or operator shall bear the reasonable costs of any sound test or professional sound study required by the County to determine compliance with this Section.

Section 7. Water Conservation and Cooling Systems

A. Cooling System Requirement.

Every new data center subject to this Ordinance shall utilize a Closed-Loop Cooling System or another cooling technology demonstrated to the satisfaction of the County to provide equivalent or greater protection against consumptive water use.

B. Cooling Technology Documentation.

The applicant shall identify the proposed cooling technology and provide sufficient documentation for the County to determine compliance with this requirement as part of the development application.

Section 8. Monitoring Wells and Groundwater Protection

A. Identification of Wells.

Any data center proposed or located on a parcel of land that contains an existing private well, public well, or monitoring well, or that is adjacent to property containing such wells, shall identify, locate, and document all known wells within and adjacent to the property.

B. Monitoring Program.

The data center owner or operator shall establish and maintain a monitoring program for applicable wells to monitor groundwater conditions and identify any potential impacts associated with the construction or operation of the data center.

C. Monitoring Records.

All monitoring data and records shall be maintained in a current, accurate, and legible manner. Records shall include, at a minimum:

1. The location of each monitored well;
2. Dates of monitoring;
3. Measurements and test results; and
4. Any other information required by the County.

D. Reporting.

Monitoring records shall be submitted to the County at intervals established by the County and shall be made available for inspection upon request.

All submissions shall be complete, legible, current, and maintained in a format acceptable to the County.

E. Additional Monitoring.

The County may require additional monitoring, testing, reporting, or documentation when necessary to protect groundwater resources or determine whether the construction or operation of a data center is adversely affecting existing wells or groundwater conditions.

Section 9. Emergency Generator

A. Applicability.

This Section shall apply to any new data center, expansion of an existing data center, or substantial modification of an existing data center that includes one or more stationary diesel-fueled electric generating units intended to provide emergency, standby, backup, or supplemental electrical power.

B. Tier 4 Requirement.

All new stationary diesel-fueled electric generating units installed at a data center subject to this Section shall be certified by the United States Environmental Protection Agency ("EPA") as meeting applicable Tier 4 Final emission standards and shall comply with all applicable federal, State of Georgia, and local air-quality requirements.

No diesel-fueled electric generating unit that is not Tier 4 Final-certified shall be installed, permitted, or operated as part of a data center subject to this Section, except as expressly provided in subsection (f).

C. Certification and Documentation.

Prior to the issuance of any building permit, installation permit, or certificate of occupancy, as applicable, the owner or operator of a data center subject to this Section shall provide documentation reasonably satisfactory to the County demonstrating that each applicable diesel-fueled electric generating unit:

1. Is certified by the EPA as meeting applicable Tier 4 Final emission standards;
2. Meets all applicable requirements of the federal Clean Air Act and implementing regulations;
3. Meets all applicable requirements of the Georgia Environmental Protection Division ("EPD") and any applicable air-quality permit;
4. Is installed, configured, maintained, and operated in accordance with the manufacturer's certified configuration and applicable emissions-control requirements; and
5. Includes and maintains all emissions-control equipment necessary to preserve the unit's Tier 4 Final certification during operation.

The County may require additional documentation reasonably necessary to verify compliance with this Section.

D. Replacement and Expansion.

Any replacement stationary diesel-fueled electric generating unit installed at a data center after the effective date of this Section shall comply with the Tier 4 Final requirement established by this Section, regardless of the emissions classification of the generating unit being replaced.

Any additional stationary diesel-fueled electric generating unit installed as part of an expansion or substantial modification of an existing data center shall likewise comply with this Section.

E. Prohibition on Circumvention.

No person shall install, operate, replace, modify, maintain, or configure a stationary diesel-fueled electric generating unit subject to this Section in a manner that causes the unit to lose its EPA Tier 4 Final certification or that defeats, bypasses, disables, removes, or materially reduces the effectiveness of any emissions-control equipment required for such certification.

This subsection shall not prohibit actions expressly authorized by applicable federal or State law or actions reasonably necessary to address an immediate emergency involving life safety, property protection, or emergency response, provided that such actions are otherwise lawful.

F. Limited Exemption.

Upon written application by the owner or operator, the Board of Commissioners of Walker County may approve a limited exemption from the Tier 4 Final requirement only upon making written findings that one or more of the following circumstances exists:

1. A Tier 4 Final-compliant generating unit is not commercially available for the specific application;
2. Compliance would create a demonstrated and unreasonable threat to electric-system reliability, life safety, or emergency response capability; or
3. An alternative generating technology provides equivalent or greater emissions performance.

Any exemption granted under this subsection shall:

1. Be limited to the minimum scope necessary to address the demonstrated circumstance;
2. Be limited to the minimum duration reasonably necessary to address such circumstance;
3. Identify the specific generating unit or units covered by the exemption;
4. Be documented in writing and maintained as part of the County's records; and
5. Not relieve the owner or operator from compliance with any applicable federal or State emissions requirement, air-quality permit, or other legally applicable requirement.

G. More Stringent Requirements.

Compliance with this Section shall not relieve any person from compliance with any more stringent requirement imposed by federal or State law, regulation, air-quality permit, or other applicable governmental authority.

Section 10. Compliance With Other Regulations

Approval of a data center as a Conditional Use shall not exempt the development from compliance with any other applicable provision of the County Code, zoning ordinance, subdivision regulations, development regulations, building codes, fire codes, stormwater requirements, environmental regulations, utility requirements, or other applicable federal, state, or local laws.

Where the standards of this Section conflict with a more restrictive applicable regulation, the more restrictive requirement shall apply unless otherwise expressly provided by this Ordinance.

Section 11. Additional Conditions of Approval

The Board or other approval authority may impose reasonable and site-specific conditions on a Conditional Use approval when necessary to protect surrounding properties, public health, safety, and welfare, or to mitigate identified impacts of the proposed data center.

Such conditions may include, but are not limited to:

- A. Increased setbacks or buffers;
- B. Additional landscape screening;
- C. Architectural treatments;
- D. Noise mitigation;
- E. Restrictions on lighting;
- F. Limitations on construction activities;

G. Traffic improvements;

H. Utility-related requirements;

I. Stormwater controls;

J. Environmental protections; and

K. Other reasonable measures supported by the record of the application.

No condition shall be imposed in a manner inconsistent with applicable federal or state law.

Section 12. Enforcement

A violation of any applicable provision of this Section, any approved Conditional Use, or any condition imposed as part of Conditional Use approval shall be subject to the enforcement remedies provided by this Ordinance and applicable law.

Nothing in this Section shall be construed to limit any other enforcement authority or remedy available to the County under applicable law.

Section 13. Fire, Life Safety, and Emergency Response

A. Compliance with Applicable Codes

All data centers shall comply with all applicable Georgia State Minimum Standard Codes, fire codes, building codes, electrical codes, life-safety requirements, and other applicable federal, state, and local requirements.

Fire-protection and life-safety systems shall be designed, installed, inspected, tested, and maintained in accordance with applicable law and adopted codes.

Nothing in this section shall be construed to supersede or conflict with the authority of the State Fire Marshal, the applicable fire authority, or other governmental agency having jurisdiction.

B. Emergency Response Plan

Prior to issuance of a certificate of occupancy, the owner or operator of a data center shall submit a site-specific Emergency Response Plan ("ERP") to the County and the appropriate emergency-response agencies.

The ERP shall be maintained in current form and updated whenever a material change to the facility affects emergency response, fire protection, hazardous materials, emergency access, electrical systems, backup power, or battery-energy-storage systems.

C. Emergency Contacts

The owner or operator shall maintain current emergency contact information for:

1. The facility owner or operator;
2. An on-site facility representative;
3. A 24-hour emergency contact authorized to make operational decisions;
4. The facility security contact; and
5. Other contacts reasonably necessary to support emergency response, including utility, generator, fuel, fire-protection, or battery-system personnel when applicable.

Emergency contact information shall be provided to the County and appropriate emergency-response agencies and updated promptly following any change.

D. Site-Specific Safety Measures

Where the applicable fire or emergency-response authority identifies a site-specific hazard requiring additional measures, the County may require reasonable mitigation through the development-review process to the extent authorized by applicable law.

Any such requirement shall be based upon applicable code, law, recognized fire or safety standards, or documented site-specific conditions.

Section 14. Decommissioning Plan

Prior to the permanent closure of a data center, the owner or operator shall submit a Decommissioning Plan to the Walker County Planning Office for review and approval. The Decommissioning Plan shall describe the proposed procedures and schedule for the orderly cessation of operations, removal, reuse, recycling, or disposal of equipment and infrastructure, management of hazardous or regulated materials, disconnection of utilities, site security, and restoration of the property.

The Decommissioning Plan shall identify, as applicable:

1. **Anticipated Closure Date.** The anticipated date on which data center operations will permanently cease.
2. **Equipment and Infrastructure.** An inventory of equipment and infrastructure proposed for removal, reuse, recycling, or disposal, including, as applicable, servers, racks, generators, cooling systems, transformers, electrical equipment, fuel systems, batteries, telecommunications equipment, and other associated infrastructure.
3. **Hazardous and Regulated Materials.** Procedures for the identification, handling, removal, transportation, recycling, treatment, and disposal of batteries, generators, fuel, refrigerants, chemicals, electronic equipment, and other hazardous or regulated materials in accordance with applicable federal, state, and local laws.
4. **Utility Disconnection.** Procedures for the safe disconnection and termination, as applicable, of electrical, telecommunications, natural gas, water, wastewater, cooling, fuel, and other utility services.

5. Demolition and Removal. A description of proposed demolition, dismantling, removal, or abandonment of buildings, structures, foundations, equipment, tanks, generators, cooling systems, electrical infrastructure, and other site improvements.
6. Site Security. Measures to prevent unauthorized access to the property during and following decommissioning, including securing buildings, structures, equipment, hazardous materials, and other potential safety hazards.
7. Site Restoration. Proposed measures for restoring the property following decommissioning, including removal of debris and abandoned equipment, repair of disturbed areas, stabilization of exposed areas, removal or securing of subsurface infrastructure, and restoration of the site to a safe and orderly condition.
8. Decommissioning Schedule. The anticipated schedule for commencement and completion of decommissioning activities, including significant milestones.
9. Contractors. The identity, qualifications, and applicable licenses or certifications of contractors responsible for major decommissioning, demolition, environmental remediation, hazardous-material handling, or site-restoration activities.
10. Additional Information. Any other information reasonably required by the Walker County Planning Office to demonstrate compliance with this Ordinance and applicable federal, state, and local laws.

The owner or operator shall complete all decommissioning activities in accordance with the approved Decommissioning Plan and within the timeframe established therein, unless an extension is approved in writing by the Walker County Planning Office.

Section 15. Performance Bond

The Board of Commissioners (BOC) may, in its discretion, require the applicant or owner of a proposed data center to provide a performance bond or other financial assurance to ensure the proper decommissioning of the data center and associated facilities upon cessation of operations.

The amount, form, duration, and conditions of any required performance bond or other financial assurance shall be established by the BOC and approved prior to the issuance of any permit for the data center. Such financial assurance shall be maintained for the duration specified by the BOC and shall be sufficient to address the anticipated costs of decommissioning, removal of facilities, and restoration of the site.