

**STATE OF GEORGIA
COUNTY OF OGLETHORPE**

**AN ORDINANCE TO AMEND THE TEXT OF THE
UNIFIED DEVELOPMENT CODE OF OGLETHORPE COUNTY, GEORGIA
COMMERCIAL DATA CENTERS AND DIGITAL COMPUTING FACILITIES**

WHEREAS, the Board of Commissioners of Oglethorpe County, Georgia is authorized under the Constitution and laws of the State of Georgia to adopt and amend zoning and land development regulations for the protection of the public health, safety, and welfare; and

WHEREAS, the Oglethorpe County Zoning Board has reviewed the proposed regulations governing Commercial Data Centers and Digital Computing Facilities and has recommended adoption; and

WHEREAS, the Board of Commissioners finds that Commercial Data Centers and Digital Computing Facilities may create substantial land use, infrastructure, utility, environmental, public-safety, traffic, noise, water-use, and fiscal impacts that warrant specific standards and Conditional Use review; and

WHEREAS, the Board of Commissioners finds that the HI Heavy Industrial District is the appropriate zoning district in which such facilities may be considered, subject to Conditional Use approval and compliance with the standards adopted herein; and

WHEREAS, the Board of Commissioners desires to amend Section 511.04 and Article VII of the Unified Development Code to establish a comprehensive regulatory framework for such facilities;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Oglethorpe County, Georgia, and it is hereby ordained by authority of the same, as follows:

SECTION 1. AMENDMENT TO SECTION 511.04 — CONDITIONAL USES IN THE HI HEAVY INDUSTRIAL DISTRICT

Section 511.04 of the Unified Development Code of Oglethorpe County, Georgia is hereby amended by adding a new subsection (m) to the list of Conditional Uses, to read as follows:

m) Commercial Data Centers and Digital Computing Facilities, as defined and regulated by Section 713 of Article VII of this Unified Development Code. Such uses shall be permitted only upon approval of a Conditional Use Permit by the Oglethorpe County Board of Commissioners and compliance with all requirements of Section 713.

SECTION 2. ADDITION OF SECTION 713 TO ARTICLE VII — SPECIFIC PROVISIONS

Article VII, Specific Provisions, of the Unified Development Code of Oglethorpe County, Georgia is hereby amended by adding a new Section 713, to read as follows:

Section 713. COMMERCIAL DATA CENTERS AND DIGITAL COMPUTING FACILITIES

Section 713.01. Legislative Findings

A. Commercial Data Centers are unique land uses that differ substantially from traditional commercial, office, warehouse, and industrial developments because of their scale, operational characteristics, electrical demand, cooling systems, backup power systems, supporting infrastructure, and potential impacts upon surrounding properties.

B. Commercial Data Centers may require substantial electrical infrastructure, including transmission facilities, substations, transformers, switchgear, generator yards, battery systems, fuel storage, utility easements, and related improvements that may affect surrounding land uses and public infrastructure.

C. Commercial Data Centers may operate continuously and may generate noise, vibration, light, heat, emissions, traffic, and visual impacts if not properly located, designed, constructed, operated, and maintained.

D. Commercial Data Centers may create significant demands upon transportation facilities, emergency services, water resources, wastewater systems, stormwater facilities, electrical systems, and other public and private infrastructure.

E. Advances in cloud computing, artificial intelligence, high-performance computing, cryptocurrency mining, blockchain technology, and other emerging digital technologies continue to evolve rapidly. Facilities using such technologies may have land use impacts comparable to or greater than conventional data centers.

F. Oglethorpe County has a legitimate governmental interest in ensuring that Commercial Data Centers are located only in areas suitable for their scale and operational characteristics and are developed in a manner compatible with surrounding land uses.

G. Reasonable development standards, application requirements, performance standards, infrastructure planning, independent technical review, financial assurance, and decommissioning requirements are necessary to protect the public health, safety, and welfare while allowing appropriate economic development opportunities.

H. The regulations contained in this Section 713 are intended to regulate land use impacts associated with Commercial Data Centers and are not intended to regulate the content of electronic communications, information technology services, or business operations conducted within such facilities except as reasonably necessary to address legitimate land use impacts.

I. The standards established by this Section 713 are reasonably related to legitimate governmental interests, including land use compatibility, protection of public infrastructure, environmental stewardship, public safety, protection of property rights, and the general welfare of the citizens of Oglethorpe County.

J. Large-scale Commercial Data Centers may require substantial electrical generation and transmission capacity, transportation improvements, water and wastewater facilities, emergency services, telecommunications infrastructure, and other public or private infrastructure. The Board of Commissioners finds that the County has a legitimate public interest in identifying and evaluating such impacts before development approval and in ensuring, to the extent authorized by law, that infrastructure improvements, mitigation measures, professional review costs, and other development-related obligations attributable to a proposed Commercial Data Center are appropriately addressed and are not unreasonably transferred to the taxpayers of Oglethorpe County.

Section 713.02. Purpose, Intent, and Applicability

A. Purpose.

The purpose of this Section 713 is to establish comprehensive standards governing the location, design, construction, operation, expansion, modification, and decommissioning of Commercial Data Centers within Oglethorpe County. These regulations are intended to protect the public health, safety, and welfare; preserve the County's rural character; protect agricultural lands and natural resources; ensure the reliability and adequacy of public infrastructure; and minimize adverse impacts upon surrounding properties while providing an orderly process for review of such facilities.

B. Intent.

1. Ensure that Commercial Data Centers are located only in zoning districts and areas suitable for their scale and operational characteristics.

2. Protect adjacent property owners from unreasonable impacts associated with noise, lighting, traffic, visual appearance, mechanical equipment, generators, cooling systems, fuel storage, and other operational features.

3. Protect roads, bridges, utilities, emergency services, water resources, stormwater systems, and other public infrastructure from unreasonable burdens.
4. Require applicants to provide sufficient information for the County to understand the initial and ultimate build-out impacts of a proposed facility.
5. Require applicants to demonstrate that adequate infrastructure and emergency response capabilities are available to support the proposed development.
6. Establish objective standards for review of Conditional Use Permit applications and for ongoing compliance after approval.
7. Ensure that facilities are properly maintained throughout their operational life and appropriately decommissioned upon permanent cessation of operations.
8. Ensure that the costs of specialized professional review required by a private development proposal are borne by the applicant rather than County taxpayers.

C. Applicability.

The provisions of this Section 713 shall apply to the construction, establishment, expansion, conversion, or Material Change of any Commercial Data Center within unincorporated Oglethorpe County.

Where the provisions of this Section 713 conflict with another provision of this Unified Development Code or another County ordinance, the more restrictive provision shall apply unless otherwise required by law.

Nothing contained in this Section 713 shall be construed to create an entitlement to approval of a Commercial Data Center. Approval of a Conditional Use Permit shall remain within the authority of the Board of Commissioners based upon the standards contained in this Unified Development Code and the evidence presented during the public hearing process.

Section 713.03. Definitions

Purpose. The purpose of this Section is to establish clear and technology-neutral definitions so that facilities having comparable land use impacts are regulated consistently even as computing technology changes over time.

Accessory Office. Office space located within a Commercial Data Center that is subordinate to and directly supports operation of the facility and is not a separate principal use.

Artificial Intelligence Computing Facility. A facility or portion of a facility whose primary purpose is the training, operation, or support of artificial intelligence, machine learning, high-performance computing, or similar computational activities using large-scale computing infrastructure.

Backup Power System. Generators, transfer switches, switchgear, transformers, battery systems, fuel storage systems, and other equipment intended to provide electrical power during utility interruptions, emergency conditions, or periodic testing.

Battery Energy Storage System. One or more devices or systems capable of storing electrical energy for later discharge. Any Battery Energy Storage System associated with a Commercial Data Center shall also comply with all applicable provisions of this Unified Development Code governing such systems.

Commercial Data Center. A facility or group of facilities whose primary purpose is the commercial processing, storage, management, transmission, distribution, validation, or analysis of digital information through computer servers, networking equipment, or specialized computing hardware. The term includes cloud computing facilities, enterprise data centers, colocation facilities, hyperscale data centers, Artificial Intelligence Computing Facilities, high-performance computing facilities, Cryptocurrency Mining Facilities, blockchain processing facilities, and other similar commercial digital computing facilities having comparable land use characteristics. Server rooms, equipment rooms, and computer systems accessory to another lawful principal use are not Commercial Data Centers.

Cooling Equipment. Mechanical equipment used to remove or dissipate heat generated by computing equipment, including chillers, cooling towers, dry coolers, condensers, pumps, heat exchangers, fans, evaporative cooling systems, and similar equipment.

Cryptocurrency Mining Facility. A facility or portion of a facility whose primary purpose is validating blockchain transactions, cryptocurrency mining, digital asset mining, blockchain processing, or other distributed ledger computing through specialized computer hardware, application-specific integrated circuits, graphics processing units, or similar technology.

Generator Yard. An outdoor area containing backup generators, fuel storage, electrical equipment, and related infrastructure.

Hyperscale Data Center. A Commercial Data Center designed to provide computing capacity substantially greater than a conventional enterprise data center and typically developed as a multi-building campus or operated by a major cloud, artificial intelligence, colocation, or technology provider.

Material Change. Any change that increases or substantially alters impacts previously evaluated by the Board of Commissioners, including increased electrical demand, increased water use, changes in cooling technology, increased building area, additional principal buildings, increased generator or fuel storage capacity, relocation of mechanical equipment, reduction of buffers or setbacks, expansion of the approved development area, conversion to cryptocurrency mining, or another modification determined by the Zoning Administrator to significantly affect surrounding properties, natural resources, emergency services, or public infrastructure.

Mechanical Equipment Yard. An outdoor area containing cooling equipment, transformers, switchgear, pumps, compressors, or similar mechanical or electrical infrastructure.

Permanent Cessation of Operations. Discontinuance of the principal use of a Commercial Data Center for twelve consecutive months, excluding temporary shutdowns for maintenance, repair, declared emergencies, utility interruptions, or other circumstances demonstrated by the owner to be temporary.

Primary Purpose. The principal use of a property or facility as determined by its operational function, predominant building and equipment use, electrical demand, and the nature of activities conducted on the property.

Substantial Construction. Completion of site work and permanent improvements of a value and scope sufficient to demonstrate continuing, good-faith progress toward the approved development, as determined by the Zoning Administrator. Clearing, grading, temporary access, or installation of erosion-control measures alone shall not constitute Substantial Construction.

Exempt Facilities.

1. Server rooms or computer equipment accessory to governmental buildings.
2. Server rooms or computer equipment accessory to hospitals, schools, colleges, public safety facilities, utilities, financial institutions, manufacturing facilities, agricultural operations, or commercial businesses when the equipment primarily supports the lawful principal use of the property.
3. Telecommunications facilities regulated elsewhere in this Unified Development Code.
4. Equipment rooms and computing systems clearly incidental to the principal use of a building or property.

Section 713.04. Permitted Location and Approval Process

Purpose. The purpose of this Section is to limit Commercial Data Centers to locations appropriate for heavy industrial development and to ensure that each proposal receives project-specific public review before approval.

A. Zoning District.

Commercial Data Centers shall be permitted only within the HI Heavy Industrial Zoning District and only upon approval of a Conditional Use Permit by the Board of Commissioners in accordance with this Unified Development Code and this Section 713.

B. By-Right Development Prohibited.

A Commercial Data Center shall not be permitted as a use by right in any zoning district.

C. Prohibited Districts.

Commercial Data Centers are prohibited in all zoning districts other than the HI Heavy Industrial Zoning District.

D. Separate Principal Use.

A Commercial Data Center is a separate principal land use and shall not be classified as a warehouse, office, manufacturing facility, telecommunications facility, utility facility, or other industrial use for zoning purposes.

E. Accessory Uses and Structures.

1. Administrative offices directly supporting the facility.
2. Security facilities and gatehouses.
3. Electrical substations, switchyards, and on-site electrical distribution systems.
4. Backup Power Systems and Generator Yards.
5. Cooling Equipment and Mechanical Equipment Yards.
6. Water storage and fire-protection facilities.
7. Maintenance buildings and equipment storage.
8. Employee parking, loading, and delivery areas.
9. Stormwater management facilities.
10. Other uses determined by the Zoning Administrator to be customarily incidental and subordinate to the approved Commercial Data Center.

F. Cryptocurrency Mining and Emerging Computing Uses.

Cryptocurrency Mining Facilities, Artificial Intelligence Computing Facilities, high-performance computing facilities, blockchain processing facilities, and comparable emerging digital computing uses shall be regulated as Commercial Data Centers and shall comply with all requirements of this Section 713.

Section 713.05. Conditional Use Approval Standards and Burden of Proof

Purpose. The purpose of this Section is to identify the evidence and findings required before approval and to place the burden upon the applicant to demonstrate that the proposed use satisfies the standards of this Section 713.

A. Burden of Proof.

The applicant shall have the burden of demonstrating, through competent and substantial evidence contained in the record, that the proposed Commercial Data Center complies with this Section 713, the Unified Development Code, and all other applicable County ordinances.

Failure of the applicant to demonstrate compliance with any applicable approval standard shall constitute sufficient grounds for denial of the Conditional Use Permit.

B. Required Findings.

The Board of Commissioners shall approve a Conditional Use Permit only upon finding, based upon the evidence in the record, that the applicant has demonstrated each of the following:

1. The proposed development is compatible with existing and planned land uses in the vicinity and will not materially diminish the use, enjoyment, or value of surrounding properties.
2. The proposed development will not create conditions detrimental to the public health, safety, or general welfare.
3. Public roads, bridges, utilities, emergency services, and other infrastructure are adequate to serve the proposed development, or the applicant will construct or fund improvements necessary to adequately serve the development without creating an unreasonable financial burden upon Oglethorpe County.
4. Adequate electrical service can be provided and all known on-site and off-site infrastructure associated with such service has been disclosed to the extent reasonably available.

5. The proposed development will not materially impair groundwater, surface waters, existing lawful water users, or downstream properties.
6. The proposed development has been designed to avoid or adequately mitigate unreasonable traffic, noise, vibration, lighting, glare, heat, air-emission, visual, and operational impacts.
7. Adequate fire protection, emergency access, hazardous-material management, and emergency-response capabilities will be available.
8. The proposed development is consistent with the goals, objectives, policies, and future land-use recommendations of the Oglethorpe County Comprehensive Plan.
9. The proposed development complies with all requirements of this Section 713 and all other applicable provisions of the Unified Development Code.

C. Conditions of Approval.

The Board of Commissioners may impose reasonable conditions directly related to identified impacts, compliance with this Section 713, and protection of the public health, safety, and welfare. Conditions may address phasing, infrastructure, traffic, noise, water use, construction, landscaping, emergency services, inspections, reporting, financial assurance, and other project-specific matters.

Section 713.06. Development Standards

Purpose. The purpose of this Section is to establish minimum site-design standards that promote compatibility with surrounding land uses, protect public infrastructure and natural resources, and provide sufficient land area to accommodate buildings, equipment, setbacks, buffers, stormwater facilities, emergency access, and future phases.

A. Minimum Parcel Size.

The minimum site area shall be one hundred seventy-five (175) contiguous acres under common ownership or unified control. Public road rights-of-way and parcels separated by a public road or unrelated ownership shall not be counted as contiguous acreage. Land located in another zoning district shall not be used to satisfy this requirement.

B. Minimum Lot Width and Access.

The site shall have at least one thousand (1,000) feet of continuous frontage on, and direct access to, a paved public road determined by the County or Georgia Department of Transportation, as applicable, to be capable of serving anticipated construction and operational traffic. Flag lots and access solely through a residential subdivision shall not satisfy this requirement.

C. Principal Building Setbacks.

No principal building shall be located within five hundred (500) feet of any property line, within one thousand five hundred (1,500) feet of an existing dwelling located on property not under common ownership or control, or within two thousand (2,000) feet of a public or private elementary school, middle school, high school, licensed daycare facility, hospital, nursing home, or public park.

D. Equipment Setbacks.

Generator Yards, Mechanical Equipment Yards, Cooling Equipment, cooling towers, substations, transformers, switchgear, fuel storage, and comparable equipment shall be located at least seven hundred fifty (750) feet from any property line and at least one thousand five hundred (1,500) feet from an existing dwelling located on property not under common ownership or control.

E. Building Height.

The maximum building height shall be sixty (60) feet. Architectural projections, lightning-protection equipment, communications equipment serving the facility, and comparable appurtenances may exceed this limit only when approved as part of the Conditional Use Permit.

F. Building Coverage.

Principal buildings shall not occupy more than twenty-five percent (25%) of the gross site acreage. Compliance with this maximum building coverage shall not authorize encroachment into any required setback, buffer, easement, stormwater facility, environmentally protected area, or other area otherwise restricted from development.

G. Impervious Surface.

Total impervious surface coverage shall not exceed thirty-five percent (35%) of the gross site acreage unless a greater amount is specifically approved by the Board of Commissioners upon a finding that the additional impervious area will not adversely affect stormwater management, water resources, or neighboring properties.

H. Building Design.

Buildings shall use exterior materials and architectural treatments that reduce visual impacts. Uninterrupted building walls exceeding two hundred (200) feet shall include offsets, changes in materials or plane, architectural features, or comparable design measures. Highly reflective exterior materials are prohibited.

I. Security Fencing.

Security fencing shall not exceed twelve (12) feet in height unless a greater height is specifically approved based upon demonstrated security requirements. Fencing shall be designed and located to minimize visibility from public roads and adjoining properties.

J. Outdoor Storage.

Outdoor storage shall be limited to equipment necessary for operation and maintenance and shall be screened from public roads and adjoining property. Storage of discarded, inoperable, or unrelated construction equipment is prohibited.

K. Internal Utilities.

Utility lines constructed within the development shall be underground except where overhead installation is required by the serving utility or demonstrated engineering constraints and approved as part of the site plan.

L. No Reduction by Easement.

Utility easements, access easements, drainage easements, or other encumbrances shall not eliminate or reduce required setbacks, buffers, landscaping, or screening unless specifically approved by the Board of Commissioners.

Section 713.07. Buffering, Landscaping, and Screening

Purpose. The purpose of this Section is to reduce visual and operational impacts, preserve existing vegetation, provide separation between incompatible land uses, and help maintain the rural character of Oglethorpe County.

A. Perimeter Buffer.

A continuous undisturbed natural buffer at least three hundred (300) feet wide shall be maintained along all property boundaries. Buildings, parking, stormwater facilities, equipment, fuel storage, substations, and other improvements are prohibited within the buffer except for approved entrance roads, utility crossings, and stormwater outfalls where no reasonable alternative exists.

B. Existing Vegetation.

Existing mature trees and native vegetation within the required buffer shall be preserved to the maximum extent practicable. Clearing shall be limited to the minimum area necessary for approved crossings and public-safety needs.

C. Supplemental Plantings.

Where existing vegetation does not provide an effective year-round visual screen, supplemental evergreen and native plantings shall be installed. The landscape plan shall be prepared by a Georgia Registered Landscape Architect or other qualified design professional acceptable to the County.

D. Berms.

The Board of Commissioners may require earthen berms where necessary to reduce visual, equipment, lighting, or noise impacts.

E. Fencing Location.

Security fencing shall be located on the interior side of the required perimeter buffer unless otherwise approved by the Board of Commissioners.

F. Equipment Screening.

Generators, transformers, substations, Cooling Equipment, fuel tanks, and similar equipment shall be screened from public roads and adjoining property by landscaping, walls, fencing, berms, natural vegetation, or a combination thereof.

G. Maintenance and Replacement.

All landscaping, berms, fencing, and screening shall be maintained in good condition throughout the life of the facility. Dead or diseased plant material shall be replaced during the next appropriate planting season.

H. Tree Removal.

Removal of vegetation within a required buffer after approval shall require authorization by the Zoning Administrator unless immediately necessary to address a public-safety hazard or emergency.

Section 713.08. Operational Performance Standards

Purpose. The purpose of this Section is to establish objective operating standards that minimize unreasonable impacts associated with noise, lighting, vibration, heat, air emissions, hazardous materials, maintenance, and continuous operation.

A. Noise.

1. Noise generated by the facility, including cooling systems, generators, transformers, substations, and other equipment, shall not exceed fifty-five (55) dBA or sixty-five (65) dBC between 7:00 a.m. and 10:00 p.m., or forty-five (45) dBA or fifty-five (55) dBC between 10:00 p.m. and 7:00 a.m., measured at any property line. Compliance with both the applicable dBA and dBC limits is required.
2. Noise measurements shall be conducted using calibrated sound-level instrumentation capable of measuring both A-weighted and C-weighted sound levels and in accordance with nationally recognized acoustical measurement practices.
3. Pure tones, tonal or narrowband noise, impulsive noise, repetitive low-frequency noise, and vibration that create an unreasonable nuisance on adjoining property are prohibited.
4. The owner shall complete post-construction acoustical testing, including dBA and dBC measurements and evaluation of tonal and low-frequency sound, within ninety (90) days after initial operation of each phase and at other times reasonably required by the County following a documented complaint or Material Change. Testing shall be performed by a qualified acoustical professional and submitted to the County.

B. Generator Testing.

1. All diesel-powered backup generators installed as part of a Commercial Data Center shall meet or exceed applicable EPA Tier 4 Final emissions standards, unless a more stringent federal or state standard applies. Generators shall comply with the property-line dBA and dBC noise limits established in subsection A during routine testing, maintenance, emergency operation, and all other operation.
2. Routine testing of Backup Power Systems shall occur only between 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays.
3. Routine testing shall not exceed eight (8) hours during any calendar month unless a greater duration is specifically required by a regulatory authority, manufacturer, or demonstrated operational requirement. Generators shall be tested sequentially or in limited groups to minimize cumulative noise unless simultaneous testing is required by a regulatory authority or emergency condition.
4. Emergency operation during utility outages or declared emergencies is not restricted as to hours of operation; however, the property-line noise limits established in subsection A shall continue to apply.

C. Lighting.

1. Exterior lighting shall be the minimum necessary for safe operation and security.
2. Fixtures shall be full-cutoff, shielded, and directed downward.
3. Lighting shall not create unreasonable glare or measurable light trespass upon adjoining residential property.
4. A photometric plan shall demonstrate compliance with applicable Illuminating Engineering Society recommendations or equivalent standards.

D. Vibration.

Operation shall not create vibration detectable beyond the property boundary except during temporary construction activities.

E. Air Quality.

Generators and other combustion equipment shall comply with all applicable federal and state air-quality permits and standards. Visible emissions, except brief emissions during startup or emergency operation as allowed by applicable law, are prohibited.

F. Odors.

Operation shall not create objectionable odors detectable beyond the property boundary.

G. Heat Discharge.

Cooling and mechanical systems shall be designed and operated so that heat discharge does not create hazardous conditions or unreasonably interfere with adjoining property.

H. Hazardous Materials and Spill Prevention.

Fuel, lubricants, batteries, coolants, and other regulated materials shall be stored, handled, and disposed of in compliance with applicable law. Secondary containment and spill-prevention measures shall be provided and maintained.

I. Refuse and Inoperable Equipment.

Waste shall be kept in enclosed or screened containers and removed regularly. Equipment permanently removed from service shall be repaired, removed, or lawfully stored within a reasonable period.

J. Continuous Compliance.

Compliance with this Section is required throughout the operational life of the facility and is not satisfied solely by approval of plans or issuance of a Certificate of Occupancy.

Section 713.09. Application Requirements

Purpose. The purpose of this Section is to require sufficient current and professionally prepared information for the County to evaluate the proposed development, identify initial and ultimate build-out impacts, determine compliance, and establish appropriate conditions of approval.

In addition to application requirements contained elsewhere in this Unified Development Code, an application for a Commercial Data Center shall include the following:

A. Applicant and Ownership Information.

Names, addresses, and contact information for the property owner, applicant, proposed facility owner, proposed operator, entity responsible for maintenance, and entity responsible for decommissioning; legal description; parcel identification numbers; acreage; zoning; existing use; proposed use; and disclosure of controlling ownership interests reasonably necessary to identify responsible parties.

B. Boundary and Topographic Survey.

A current survey prepared by a Georgia Registered Land Surveyor showing property boundaries, rights-of-way, easements, existing improvements, and topography.

C. Master Site Plan.

A plan prepared, signed, and sealed by appropriate Georgia licensed professionals showing the full anticipated build-out, including buildings, development phases, roads, entrances, parking, loading, utility infrastructure, substations, transmission corridors to the extent known, Generator Yards, Mechanical Equipment Yards, fuel storage, Battery Energy Storage Systems, water and wastewater facilities, stormwater facilities, streams, wetlands, floodplains, buffers, setbacks, easements, and existing and proposed topography.

D. Project Description and Phasing Plan.

A narrative describing the proposed technology and operations, number and size of buildings, anticipated construction schedule, initial phase, ultimate build-out, operating hours, staffing, deliveries, Material Changes anticipated during build-out, and the relationship between phases.

E. Electrical Infrastructure Plan.

The information required by Section 713.11, including initial and ultimate electrical demand, proposed utility service, substations, transmission and distribution facilities, generators, batteries, easements, phasing, and known off-site improvements.

F. Water and Cooling Analysis.

The proposed water source; average daily, peak daily, and annual water demand; cooling technology; consumptive use; wastewater generation; water-reuse measures; drought response; and any proposed groundwater withdrawal.

G. Traffic Impact Study.

A study prepared by a qualified transportation engineer evaluating construction traffic, employee traffic, deliveries, oversized vehicles, intersections, sight distance, roadway and bridge limitations, haul routes, and improvements necessary to mitigate impacts.

H. Noise Study.

A study prepared by a qualified acoustical professional documenting existing ambient dBA and dBC conditions; modeling full-build-out operations, generator testing, and emergency generator operation; specifically evaluating tonal, narrowband, and low-frequency noise; demonstrating compliance with the property-line dBA and dBC limits; and identifying proposed mitigation.

I. Lighting Plan.

A photometric plan demonstrating compliance with this Section 713.

J. Landscape and Screening Plan.

A plan prepared by a qualified design professional showing buffers, existing vegetation, supplemental plantings, berms, fencing, screening, planting specifications, and maintenance requirements.

K. Stormwater Management Report.

A report and plans prepared in accordance with applicable County ordinances and the Georgia Stormwater Management Manual, evaluating all phases and ultimate build-out.

L. Environmental Resources Inventory.

Identification of streams, wetlands, floodplains, state waters, protected resources, existing tree cover, proposed clearing, and other environmental constraints required by applicable law.

M. Emergency Response and Fire Protection Plan.

A plan prepared in coordination with the Fire Marshal, emergency management, and responding fire departments addressing fire suppression, emergency access, fuel and hazardous materials, battery systems, utility failures, emergency communications, responder training, water supply, and emergency contacts.

N. Fiscal and Public-Service Impact Information.

Information sufficient for the County to evaluate effects upon roads, emergency services, public safety, inspection services, utilities, and other County facilities and services.

O. Construction Traffic and Management Plan.

The applicant shall submit a Construction Traffic and Management Plan addressing construction access, the anticipated construction schedule, estimated construction vehicle trips, approved haul routes, hours of construction and deliveries, oversized and overweight vehicle routing, staging areas, worker parking, temporary traffic-control measures, dust control, erosion and sediment control, emergency access, temporary utilities, construction noise, and construction sequencing.

The Plan shall identify County-maintained roads and bridges proposed for construction access and shall describe measures necessary to protect such infrastructure from damage.

Prior to commencement of construction, the County may require, at the applicant's expense, a photographic, video, engineering, or other documented survey of existing roadway, shoulder, bridge, culvert, drainage, and related conditions along approved construction routes.

The applicant shall be responsible for repairing damage to County-maintained roads, bridges, culverts, drainage facilities, shoulders, or other public infrastructure determined by the County to have resulted from construction activities associated with the development.

The Development Agreement shall establish procedures for documenting existing conditions, determining responsibility for construction-related damage, completing required repairs, and providing financial security when determined necessary by the County.

P. Preliminary Decommissioning Plan and Cost Estimate.

The proposed method and estimated cost of removing buildings, equipment, foundations, fuel storage, utilities, paving, and other improvements and restoring the site.

Q. Additional Information.

Other information reasonably necessary for the Board of Commissioners or County staff to determine compliance with this Section 713.

R. Current and Complete Submittals.

Technical studies shall be based upon current conditions and shall not be more than one year old at the time an application is determined complete unless the County accepts an older study upon a finding that conditions have not materially changed. Incomplete or materially deficient submittals may be returned, and review periods shall not begin or continue until required information is provided.

Section 713.10. Independent Professional Review and Cost Reimbursement

Purpose. The purpose of this Section is to ensure that Oglethorpe County has access to qualified technical expertise necessary to review complex private development proposals without requiring County taxpayers to bear the associated specialized review costs.

A. Authority.

The Board of Commissioners, Zoning Administrator, or other authorized County official may retain independent professional consultants whenever specialized expertise is reasonably necessary to evaluate an application, verify compliance, or review a proposed Material Change. Consultants may include engineers, planners, traffic engineers, hydrogeologists, geotechnical engineers, acoustical professionals, environmental consultants, utility consultants, financial consultants, attorneys, and other qualified professionals.

B. Applicant Responsibility.

The applicant shall reimburse Oglethorpe County for the reasonable actual costs incurred for independent professional review. Eligible costs may include review of plans and studies, independent analyses, written comments, meetings and public hearings, site inspections, review of revisions and resubmittals, and verification of compliance with this Section 713, conditions of approval, or the Development Agreement.

C. Review Escrow.

The County may require the applicant to establish and maintain an escrow account or other financial security acceptable to the County. The initial amount shall be based upon anticipated project complexity and review needs.

D. Additional Deposits and Suspension of Review.

If the escrow balance is insufficient, the applicant shall provide additional funds upon written request. Failure to replenish the account within thirty (30) days may result in suspension of application review, permit processing, inspections, or consideration of a Material Change until required funds are received.

E. Accounting and Refund.

The County shall maintain an accounting of expenditures. Any unused balance shall be returned after completion of the applicable review and payment of outstanding costs.

F. Limitation.

Reimbursement shall be limited to reasonable actual costs directly related to the proposed development and shall not include ordinary County operating expenses unrelated to the application.

G. Peer Review.

The County may require independent peer review of engineering analyses, traffic studies, noise studies, hydrogeologic studies, environmental reports, fiscal analyses, or other specialized technical information. The conclusions of the peer reviewer shall become part of the record considered by the County.

Section 713.11. Utility and Infrastructure Impact Standards

Purpose. The purpose of this Section is to ensure that the County understands the infrastructure required at initial construction and ultimate build-out and that project-related impacts and costs are identified and addressed before permits are issued.

A. Electrical Infrastructure Plan.

1. Identify the proposed electric utility provider.
2. State estimated electrical demand in megawatts at initial operation, each phase, and ultimate build-out.
3. Describe the proposed method of electrical service.
4. Show proposed substations, switchyards, transformers, on-site distribution systems, Generator Yards, Battery Energy Storage Systems, and utility easements.
5. Show proposed transmission facilities serving the development to the extent known and describe known off-site improvements reasonably necessary to serve the facility.
6. Describe construction phasing and anticipated dates of energization.
7. Provide written documentation from the serving utility describing the proposed service arrangement and the status of utility coordination, without requiring the utility to guarantee approval or system performance beyond its authority.
8. For each utility provider expected to serve the development, the applicant shall provide written correspondence, to the extent reasonably available, identifying existing service availability and capacity, improvements necessary to serve the development, the anticipated timetable for service, and known off-site improvements required to serve the project. This requirement does not obligate a utility provider to make commitments or guarantees beyond its authority.

B. Water Supply and Cooling.

1. The applicant shall demonstrate that the proposed water source is legally available and adequate for initial and ultimate build-out without creating unreasonable adverse impacts upon groundwater, surface water, existing lawful users, or neighboring wells.
2. Public or reclaimed water shall be used where reasonably available and adequate, subject to provider approval.
3. If groundwater is proposed, a hydrogeologic study prepared by a qualified professional shall evaluate sustainable yield, drawdown, neighboring wells, streams, drought conditions, and cumulative impacts.
4. The applicant shall disclose average daily, peak daily, and annual water use, consumptive loss, cooling technology, and wastewater generation.

5. Commercial Data Centers shall utilize a closed-loop cooling system designed to minimize consumptive water use to the maximum extent reasonably practicable. The system shall incorporate water conservation, reuse, recirculation, and other efficiency measures appropriate to the proposed technology. Open-loop and once-through cooling systems are prohibited. The applicant shall disclose anticipated average daily, peak daily, and annual cooling-water demand, anticipated consumptive losses, and proposed water-reuse measures.

6. A Material Change in cooling technology or an increase in approved water demand shall require review under Section 713.19.

C. Wastewater.

The applicant shall demonstrate that wastewater can be treated and disposed of in compliance with applicable law without creating an unreasonable burden upon County infrastructure or surrounding property.

D. Roads and Bridges.

1. Access roads and entrances shall safely accommodate anticipated construction and operational traffic.

2. The applicant shall be responsible for roadway, entrance, turn-lane, acceleration-lane, deceleration-lane, bridge, intersection, signal, or other transportation improvements reasonably necessary as a result of the development.

3. Construction haul routes shall be approved by the County or applicable road authority before land disturbance begins.

4. No Certificate of Occupancy shall be issued until improvements required for the applicable phase are completed or secured in a form allowed by law and acceptable to the County.

5. The applicant shall repair project-related damage to public roads in accordance with the Development Agreement.

E. Emergency Access and Communications.

The development shall provide emergency access, apparatus circulation, water supply, communications, and site identification acceptable to the Fire Marshal and other authorities having jurisdiction.

F. Utility Relocation and Easements.

Relocation of utilities required by the development shall be the applicant's responsibility unless otherwise provided by written agreement with the affected utility. All necessary easements shall be obtained without reducing required buffers or setbacks unless specifically approved.

G. Public Cost.

Approval shall not obligate Oglethorpe County to finance, construct, operate, or maintain infrastructure necessary solely or primarily to serve the Commercial Data Center.

Section 713.12. Phased Development

Purpose. The purpose of this Section is to ensure that each phase functions safely and independently and does not rely upon uncertain future construction to satisfy required infrastructure, mitigation, or operational standards.

A. Approved Phasing Plan.

A Commercial Data Center may be developed in phases only in accordance with an approved master site plan, phasing plan, Conditional Use Permit, and Development Agreement.

B. Independent Compliance.

Each phase shall independently provide required access, stormwater management, buffers, landscaping, screening, utility improvements, emergency access, fire protection, noise mitigation, and other improvements necessary to support that phase.

C. Certificate of Occupancy.

A Certificate of Occupancy shall not be issued for a phase until improvements required for that phase are completed, inspected, and approved or secured in a form expressly allowed by law and accepted by the County.

D. Future Phases.

Approval of a master plan does not create a vested right to construct future phases beyond the scope protected by applicable law. A future phase involving a Material Change shall require approval under Section 713.19.

Section 713.13. Development Agreement Required

Purpose. The purpose of this Section is to establish enforceable, project-specific responsibilities for infrastructure, mitigation, phasing, maintenance, inspections, financial security, and other obligations that cannot be fully addressed through generally applicable standards.

A. Requirement.

As a condition of approval, the applicant and property owner shall enter into a written Development Agreement with Oglethorpe County before issuance of a Land Disturbance Permit, Building Permit, or other development permit.

B. Minimum Subjects.

1. Construction phasing and permit sequencing.
2. Road, bridge, entrance, and intersection improvements and repair of project-related damage.
3. Utility installation and coordination.
4. Construction traffic routes, hours, staging, and worker parking.
5. Emergency access, responder coordination, training, and equipment.
6. Stormwater construction, inspection, ownership, and maintenance.
7. Landscaping, buffers, screening, and replacement obligations.
8. Noise mitigation, generator testing, and post-construction testing.
9. Water use, cooling technology, and reporting, when applicable.
10. Financial guarantees, escrow accounts, and reimbursement obligations.
11. Inspection, annual reporting, recordkeeping, and access.
12. Maintenance responsibilities.
13. Decommissioning and financial assurance.
14. Default, cure periods, enforcement, and remedies.
15. Other provisions reasonably necessary to implement the Conditional Use Permit and protect the public health, safety, and welfare.

C. Conflicts.

If the Development Agreement conflicts with this Unified Development Code, the more restrictive requirement shall govern unless otherwise authorized by law. The Development Agreement shall not authorize a use or development standard prohibited by this Code.

D. Amendments.

A material amendment to the Development Agreement shall require approval by the Board of Commissioners at a public meeting and, when the amendment constitutes a Material Change, approval of an amended Conditional Use Permit.

Section 713.14. Fire Protection, Emergency Response, and Hazardous Materials

Purpose. The purpose of this Section is to address the specialized emergency-response needs associated with large electrical systems, batteries, generators, fuel storage, transformers, and continuous mission-critical operations.

1. Fire-protection systems shall comply with the applicable fire code and requirements of the authority having jurisdiction.
2. Fire apparatus access roads, gates, turning areas, water supply, hydrants, building identification, and emergency shutoff access shall be approved before issuance of a Building Permit.
3. The owner shall maintain an emergency-response plan and current twenty-four-hour emergency contacts.
4. The owner shall provide initial and periodic site-specific training and information reasonably requested by local emergency responders, including information concerning batteries, fuels, transformers, cooling chemicals, electrical hazards, and shutdown procedures.
5. Hazardous-material inventories, safety data sheets, spill plans, and required regulatory reports shall be available to emergency responders and the County as allowed by law.
6. Battery Energy Storage Systems shall comply with the County's applicable BESS standards and fire-code requirements in addition to this Section 713.
7. Emergency-response costs or specialized equipment obligations attributable to the project may be addressed in the Development Agreement to the extent authorized by law.

Section 713.15. Decommissioning and Site Restoration

Purpose. The purpose of this Section is to prevent abandoned industrial facilities, protect public safety and property values, and ensure that the site is stabilized and restored after Permanent Cessation of Operations.

A. Removal Required.

Within twenty-four (24) months after Permanent Cessation of Operations, the owner shall remove all buildings, foundations, mechanical and electrical equipment, generators, batteries, fuel storage, cooling systems, fencing, utilities, paved areas not intended for another approved use, and other improvements associated with the Commercial Data Center unless the Board of Commissioners approves an alternative lawful use or restoration plan.

B. Site Restoration.

The site shall be graded, stabilized, and revegetated to prevent erosion, protect water quality, eliminate public-safety hazards, and support a lawful future use. Contaminated soils or materials shall be addressed in accordance with applicable law.

C. Final Plan.

Before issuance of a Land Disturbance Permit, the applicant shall submit a final decommissioning plan and itemized cost estimate prepared by qualified professionals and acceptable to the County.

D. Continuing Responsibility.

Decommissioning obligations run with the land and remain the responsibility of the property owner and successors until the County confirms satisfactory completion.

E. County Action.

If the responsible party fails to decommission the facility after notice and expiration of any applicable cure period, the County may draw upon financial assurance and pursue other remedies authorized by the Development Agreement, this Code, or law.

Section 713.16. Financial Assurance

Purpose. The purpose of this Section is to ensure that funds are available to complete decommissioning and site restoration without shifting those costs to Oglethorpe County taxpayers.

A. Requirement.

Before issuance of a Land Disturbance Permit, the applicant shall provide financial assurance in a form approved by the County Attorney and Board of Commissioners.

B. Acceptable Forms.

1. Irrevocable letter of credit.
2. Performance bond.
3. Cash escrow.
4. Another form of security determined by the County to provide equivalent protection.

C. Amount.

The amount shall equal at least one hundred twenty-five percent (125%) of the estimated net cost of decommissioning and restoration, without credit for salvage value unless expressly approved by the County based upon a conservative and documented valuation.

D. Periodic Review.

The estimate and financial assurance shall be reviewed at least every five (5) years and after a Material Change. The owner shall increase the security when necessary to reflect inflation, expansion, changed conditions, or revised decommissioning costs.

E. Continuous Maintenance.

Financial assurance shall remain continuously valid until the County confirms completion of decommissioning. Cancellation, expiration, or material reduction without approved replacement security constitutes a violation.

Section 713.17. Annual Compliance Certification and Reporting

Purpose. The purpose of this Section is to provide continuing documentation that the facility remains in compliance after construction and to identify changes before they create unreviewed impacts.

A. Annual Certification.

The owner shall submit an annual compliance certification signed by an authorized representative stating that the facility complies with this Section 713, approved plans, conditions of approval, and the Development Agreement, or identifying each known area of noncompliance and the corrective action schedule.

B. Required Subjects.

1. Noise compliance and generator testing records.
2. Stormwater inspection and maintenance.
3. Buffers, landscaping, screening, and fencing.
4. Fire-protection systems, emergency access, and responder coordination.
5. Hazardous-material and fuel-storage compliance.
6. Current ownership, operator, maintenance, and emergency contacts.
7. Water use and cooling-system information when required by the Development Agreement.
8. Changes in electrical demand, buildings, equipment, water use, cooling technology, generators, batteries, or operations during the preceding year.
9. Status and amount of financial assurance.

C. Records.

Records required by this Section 713 or the Development Agreement shall be retained for at least five (5) years and made available to the County upon reasonable request, subject to applicable law concerning confidential or security-sensitive information.

Section 713.18. Inspections, Record Drawings, and Maintenance

Purpose. The purpose of this Section is to allow verification that approved improvements were constructed as represented and remain functional throughout the life of the development.

A. County Inspections.

The County may inspect the property and relevant records at reasonable times and upon reasonable notice, except in emergencies, to determine compliance with this Section 713, approved plans, permits, conditions, and the Development Agreement. The owner shall provide reasonable access consistent with applicable safety and security requirements.

B. Specialized Inspections.

When specialized expertise is reasonably necessary to evaluate compliance, the County may retain consultants and require reimbursement in accordance with Section 713.10.

C. Record Drawings.

Before issuance of a Certificate of Occupancy for each phase, the owner shall submit record drawings prepared and sealed by appropriate Georgia licensed professionals showing the improvements as constructed, including stormwater facilities, roads, utilities, substations, Generator Yards, major underground utilities, permanent easements, buffers, and landscaped areas.

D. Correction of Deficiencies.

The County may require correction of material deficiencies identified through inspection or record-drawing review before issuance of a Certificate of Occupancy or within a specified correction period after operation begins.

E. Maintenance.

The owner shall maintain buildings, equipment, stormwater facilities, buffers, landscaping, screening, fencing, access roads, fire lanes, signs, erosion-control measures, and other required improvements in safe and serviceable condition. Failure to maintain required improvements constitutes a violation.

Section 713.19. Modifications, Expansion, Ownership, and Permit Duration

Purpose. The purpose of this Section is to prevent significant impacts from being increased or altered without review and to ensure that permit responsibilities continue after ownership or operational changes.

A. Material Change.

A Material Change requires approval of an amended Conditional Use Permit by the Board of Commissioners before construction, installation, or implementation. Routine maintenance and like-kind replacement that do not materially increase impacts may be approved administratively.

B. Administrative Determination.

The Zoning Administrator shall determine whether a proposed modification constitutes a Material Change. The applicant shall provide information reasonably necessary to make that determination. An appeal of the determination shall be handled in accordance with the appeal procedures of this Unified Development Code.

C. No Vested Right to Expand.

Approval does not create a vested right to future expansion, modification, redevelopment, or increased utility demand beyond that protected by applicable law. Future development shall comply with regulations in effect when the applicable application is submitted, except as otherwise provided by law.

D. Permit Runs with the Land.

A Conditional Use Permit runs with the land, but transfer of ownership or operational control does not relieve any owner, operator, or successor of obligations imposed by this Section 713, approved plans, conditions, financial assurance, or the Development Agreement.

E. Notice of Change.

The County shall be notified in writing within thirty (30) days of a change in property ownership, facility ownership, operator, maintenance responsibility, decommissioning responsibility, or emergency contact information.

F. Expiration Before Construction.

Unless Substantial Construction begins within twenty-four (24) months after Conditional Use Permit approval, the approval shall expire unless extended by the Board of Commissioners upon a written request demonstrating good cause and continuing consistency with this Section 713.

Section 713.20. Discontinuance and Abandonment

Purpose. The purpose of this Section is to establish an orderly process for determining when operations have ended and to require timely reuse or decommissioning.

A. Presumption.

A Commercial Data Center is presumed abandoned following Permanent Cessation of Operations.

B. Notice and Opportunity to Respond.

Before making a final abandonment determination, the County shall provide written notice to the property owner and operator and a reasonable opportunity to demonstrate that the shutdown is temporary and that lawful operations will resume within a definite period.

C. Required Action.

Upon a final abandonment determination, the owner shall resume lawful operations within an approved period, obtain approval for another lawful use, or decommission the facility in accordance with this Section 713.

Section 713.21. Violations and Enforcement

Purpose. The purpose of this Section is to provide effective remedies for failure to comply with the ordinance, approved plans, conditions, financial obligations, or the Development Agreement.

A. Violations.

Failure to comply with this Section 713, an approved plan, permit, condition of approval, annual reporting requirement, financial assurance requirement, or Development Agreement constitutes a violation of this Unified Development Code.

B. Remedies.

1. Notice of violation and corrective-action order.
2. Stop Work Order.
3. Suspension or withholding of permits, inspections, or Certificates of Occupancy as authorized by law.
4. Civil or criminal penalties available under this Unified Development Code.
5. Injunctive relief, specific performance, recovery of costs, or other judicial remedies.
6. Draw upon financial assurance where authorized.
7. Abatement of a public nuisance created by operation in violation of this Section 713.
8. Other remedies provided by the Development Agreement or applicable law.

C. Revocation.

Following notice and an opportunity to be heard, the Board of Commissioners may revoke or modify a Conditional Use Permit for repeated, substantial, or willful violations, material misrepresentation during the application process, failure to maintain financial assurance, or failure to comply with a final corrective order.

D. Cumulative Remedies.

The remedies provided by this Section are cumulative. Use of one remedy does not prevent the County from pursuing another remedy authorized by law.

Section 713.22. Relationship to Other Requirements

Purpose. The purpose of this Section is to clarify that approval under this Section 713 does not replace other permits, standards, or legal obligations applicable to the project.

An applicant remains responsible for compliance with this Unified Development Code, County stormwater and erosion-control requirements, applicable building and fire codes, Georgia Environmental Protection

Division requirements, Georgia Department of Transportation requirements, utility requirements, and all other applicable federal, state, and local laws and permits. Approval under this Section 713 does not constitute approval by another agency or relieve the applicant from obtaining another required authorization.

Section 713.23. Appeals

Administrative decisions made under this Section 713 may be appealed in accordance with the appeal procedures established elsewhere in this Unified Development Code. This Section does not alter the authority of the Board of Commissioners concerning Conditional Use Permit decisions or the judicial review available under Georgia law.

SECTION 3. CONFLICTING ORDINANCES.

All ordinances, resolutions, or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take full force and effect immediately upon adoption by the Oglethorpe County Board of Commissioners and shall apply to applications submitted on or after the effective date.

SO ORDAINED this ____ day of _____, 2026.

OGLETHORPE COUNTY, GEORGIA

Jay Paul, Chairman

County Clerk

Oglethorpe County Board of Commissioners

ATTEST

Date: _____

Date: _____

INITIATED AND RECOMMENDED FOR ADOPTION AND APPROVAL by the Oglethorpe County Zoning Board at its meeting held on August 20, 2026.