

AN ORDINANCE TO CREATE THE DODGE COUNTY, GA CODE TO PROVIDE COMPREHENSIVE GUIDELINES FOR THE SAFE AND ORDERLY DEVELOPMENT OF DATA CENTERS IN DODGE COUNTY.

WHEREAS it is in the best interest of Dodge County to facilitate the siting and construction in Dodge County in a manner that encourages local economic development and protects the health, safety, and welfare of the citizens of Dodge County, and at the same time mitigates any adverse impacts to wildlife, agricultural lands, forests, and other natural landscapes; and

WHEREAS the intent of Dodge County is to bolster local economic development and employment prospects; and

WHEREAS the intent of Dodge County is not to compromise or contradict the health, safety, or environmental requirements contained in other federal, state, and local laws, nor is it to create heightened standards for the construction that would discriminate relative to other similar commercial or industrial within Dodge County;

BE IT ORDAINED by the Board of Commissioners of Dodge County as follows:

Definitions

- **Data Center** means a building or commercial facility whose primary service is data processing or data storage and is used to house computer systems and associated components which contains up to 500,000 square feet gross floor area (GFA).
- **Data Center Campus** means a singular property that contains more than one (1) data center.

Requirements

a. *Permit required:*

1. Business License Required. Applicants are required to purchase and maintain a valid business license as a condition of submitting and processing an application.
2. Application Fee Assessed. Application fee must be paid at the time of submission. This fee is in addition to and does not include any expenses which shall be incurred by the applicant in posting signage, advertising community meetings, procuring environmental impact analyses, or any other costs incurred in the permitting process.

i. Base fee of \$5000.00

3. Special Use Permit Application:

i. Basic Information.

The applicant shall submit a document that lists the following:

- (a) the address of the property on which the facility will be located;
- (b) the applicant's name, address, telephone number, and email address;
- (c) the facility operator's name, address, telephone number, and email address;
- (d) The names and addresses of any individual or entity having any ownership interest in the applicant or the names of any business or businesses which the applicant is employed, associated with, or a member of;
- (e) A statement under oath the applicant, its members, subsidiaries, and affiliates are not owned in whole or in part

and are not managed, or controlled, in whole or in part by a foreign country or countries;

- (f) A statement under oath the applicant, its successors and assigns, will not seek tax abatement for the Data Center.

ii. Planning.

(a) a site plan of the property that depicts the locations of all existing and proposed structures.

(b) a topographic map that depicts watersheds, or wetlands on the property;

b. *Community meetings.* The applicant must schedule one (1) community meeting to describe the project, including site plans, water management, and a watershed analysis from public right-of-way. The meeting must:

1. Must be conducted within the boundary of Dodge County, Georgia between the hours of 5 p.m. and 8 p.m. EST.

2. Advertise in a newspaper of general circulation serving the residents of Dodge County. The advertisement shall appear at least one (1) week prior to the community meeting.

3. Signage. Signage shall be placed around the proposed parcel in a conspicuous place informing the public of a potential data center. Signage shall be updated with the date, time, and location of the required community meeting when established. Signage shall remain until the conclusion of the community meeting.

c. *Building design.* The proposed data center buildings must be designed to minimize adverse visual impacts on surrounding development as demonstrated by the submission of architectural sketches or sight line studies.

1. Exterior building materials shall include at least one of the following for any elevations viewable from public roads and right-of-way:

- Brick, stone, or architectural precast concrete panels
- Architectural metal panels with non-reflective finish
- High-quality fiber cement panels

d. *Buffers.*

1. Distance Setback.

- i. the facility shall be located at a minimum of 1,000 feet from any property line.
- ii. the facility shall be located at a minimum of 1,000 feet from any public right-of-way.
- iii. the facility shall be located at a minimum of 1,000 feet from any property line directly across from a structure for a linear distance (along the property line) equivalent to the length of the structure facing the property line plus an additional 250 feet from both ends of the structure.

2. 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 sparsely vegetated it shall be planted with dense growth.

e. *Fencing.* Fencing of the property is required to enclose the data center facility. If the fencing is located along the property line, it shall be decorative metal and a minimum of eight (8) feet in height. Anti-climb features including but not limited to barbed, concertina, razor, or similar uses shall be prohibited. If the fencing is located within the buffer and not visible from adjacent properties or roadways, it may be constructed of vinyl-coated chain-link and may include anti-climb features.

f. *Noise.* Systems and facilities must adhere to the noise standards to avoid contribution to excessive noise pollution. The following noise limits shall apply:

1. Applicant shall provide Dodge County with a pre and post construction noise study, to include DbA and DbC readings, conducted by a professional and accredited third party contractor.
2. The continuous sound level generated by the system shall not exceed thirty-five (35) decibels, measured at a distance of twenty-five (25) feet from the property line of the operation.
3. Testing of backup generators is limited to weekdays during the hours between 9:00 a.m. and 5:00 p.m. and shall not occur on holidays.
4. Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages.

5. Violations. If it is found that the noise regulation contained herein are being violated, the county authority shall notify the property owner in writing indicating the violation and order the action to correct it. Such notice shall not be necessary to enforce the ordinance. If the violation constitutes a continuing nuisance, the county authority shall take other action necessary to ensure compliance with or to prevent violation of this ordinance.
- g. *Construction Traffic.* Prior to the issuance of a building permit, the applicant shall provide a Construction Traffic Management Plan (CTMP) for review and approval by the County Manager in coordination with the Dodge County Fire Chief, Dodge County EMS Director, Dodge County Sheriff, and the Dodge County Road Superintendent. A surety bond may be required to cover costs related to potential damage to public roads and right-of-way.
- h. *Site lighting.* All exterior site and building lighting shall utilize full cutoff, fully shielded (zero up light) fixtures designed to maintain the existing night sky darkness and to prevent light trespass onto adjacent properties and streets. Light fixtures shall be located at least four (4) times the mounting height of the fixture away from adjacent property lines. The mounting height of all site lighting shall not exceed twenty (20) feet above finished grade.
- i. *Equipment, generator, and substation enclosures and screening.* All mechanical equipment, emergency generators, substations, and appurtenances shall be screened from view from any public right-of-way or adjoining property. The screening shall be a minimum of 8-feet-high consisting of fence, wall, and/or a vegetative berm.
- j. *Cooling and ventilation.* The Applicant shall specify the proposed cooling and ventilation equipment as part of the permit application process. **Data Center shall submit to Dodge County in writing the amount of water used annually.** Open-loop systems are prohibited for all liquid cooling and ventilation equipment.
- k. *Environmental impact analysis.* The applicant shall provide an environmental impact assessment as part of the permit application for the proposed project to determine and quantify the potential impacts of the proposed project. The environmental impact assessment shall be based upon research, site visits, and accepted environmental sampling and investigative practices for water resources, air quality, ecology, archaeology, and cultural/historical resources **conducted by a professional and accredited third party contractor.**

- l. *Utilities.* At the time of the land disturbance permit, the Applicant shall provide a letter of intent to serve the proposed project from the applicable utility provider(s), confirming that preliminary coordination has occurred and that service to the proposed project is feasible subject to final engineering. Notwithstanding utility grid failure, no primary onsite power generation shall be permitted.
- m. *Air quality and emissions.* Generators should be classified as stationary sources and shall meet EPA regulations.
- n. *Substations.* Substations are considered accessory uses to data centers and shall not be located within 1,000 feet of an adjacent property line.
- o. *Emergency response.* The data center operator shall coordinate with the Dodge County EMA Director or designee to perform specialized training at least once annually to include applicable public safety agencies. The data center will reimburse the County for all costs to perform specialized training and necessary equipment related to the data center facility.
- p. *Prohibition.* The County may deny or revoke a permit upon any of the following occurrences:
 - 1. The applicant seeks or receives tax abatement from any political subdivision of the County for either real or personal property taxes;
 - 2. The failure of the applicant to file a tangible personal property tax return with the Dodge County Tax Assessor;
 - 3. Failure to comply with subsection (o);