

ORDINANCE NUMBER 26-01

**ORDINANCE OF THE BOARD OF COMMISSIONERS OF GREENE COUNTY,
GEORGIA AMENDING APPENDIX B, ZONING, ARTICLE VII, USE
REQUIREMENTS BY DISTRICT, CREATING SECTION 9.28 “DATA CENTERS”,
APPENDIX IX SPECIALS PROVISIONS; REPEALING ANY CONFLICTING
ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE**

THIS ORDINANCE adopted by the Board of Commissioners of Greene County, Georgia (the “Board”).

WHEREAS, the Board desires to clarify certain provisions of the Greene County Code of Ordinances pertaining to data center development and establish requirements for their construction, and

WHEREAS, the Board desires to adopt provisions that protect the integrity and character of the County’s natural environment.

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

Section 1. Amendment of Appendix B, Zoning. Article VII, Agricultural District (Intensive Farming), Agricultural—Residential District, Neighborhood Convenience Commercial District, General Commercial Highway Oriented District, C3 Heavy Commercial District, LI Light Industrial District, H-I Heavy Industrial District, OI Office-Institutional District, PUD Planned Unit Development, CPUD Commercial Planned Unit Development; Conditional uses provisions, is hereby modified pertaining to data center development as attached in Exhibit “A” and made a part hereof.

Section 2. Creation of Section 9.28. Appendix B, Article IX, *Data Centers* pertaining to data center development as attached in Exhibit “B” and made a part hereof.

Section 3. Repeal of Conflicting Ordinances. Any Ordinances in conflict with this Ordinance shall be repealed to the extent necessary to eliminate such conflict.

Section 4. Effective Date. This Ordinance shall become effective upon the date of its adoption following the second reading of the Ordinance.

ADOPTED, this__ __ day of _____, 2026.

**Board of Commissioners of Greene
County, Georgia**

Attest: _____
Sylvia Hill, Clerk

By: _____
Gary Usry, Chairman

Sec 7.1 A1 Agricultural District (Intensive Farming)

This zoning district is comprised primarily of open farm land and land used for intensive agriculture and livestock and poultry production. The intent of the regulations is to encourage the maintenance of the general rural character of openness and discourage the subdivision of land that is better suited to agricultural usage. Major subdivisions with lots of less than 10 acres each are prohibited in this district. A farm or farming operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agriculture and management practices. The intent of this ordinance is to prevent the non-agricultural resident from encroaching on existing, approved, or projected expansion of farms or farming operations.

7.1.2 Conditional uses. Within the A1 District, the following uses may be permitted as Conditional Use pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.1.2.15 Data centers provided the requirements of Section 9.28 are met.

Sec 7.2 A2 Agricultural--Residential District

This zoning district is composed primarily of limited agricultural activities in areas where compatible low density, rural, single-family residential development has occurred or is occurring. The regulations for this district are designed to provide the landowner an opportunity to engage in limited hobby type agricultural activities for personal use, with sold to the public. A farm or farming operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agriculture and management practices. The intent of this ordinance is to prevent the non-agricultural resident from encroaching on existing, approved, or projected expansion of farms or farming operations.

7.2.2 Conditional uses. Within the A2 District, the following uses may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.2.2.8 Data centers provided the requirements of Section 9.28 are met.

Sec 7.3 B1 Neighborhood Convenience Commercial District

This zoning district is intended for the development of small clusters of retail sales and service establishments which when appropriately located are designed to provide limited convenience shopping and services primarily for surrounding residential areas.

7.3.2 Conditional uses. Within the B1 Neighborhood Convenience Commercial District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.3.2.7 Data centers provided the requirements of Section 9.28 are met.

Sec 7.4 B2 General Commercial Highway Oriented District

The B-2 General Commercial Highway Oriented District is intended for denser commercial development that may extend along highways and provide services to both highway oriented and municipality-oriented trade. All businesses, services, storage or processing shall be conducted within an enclosed building, except where the nature of the activity makes it impossible (i.e., off-street loading, automobile parking for customers while on the premises, and the sale of automobile fuel at service stations). Use, processes or equipment employed on the premises shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration.

7.4.2 Conditional uses. Within the B2 General Commercial Highway Oriented District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.4.2.8 Data centers provided the requirements of Section 9.28 are met.

Sec 7.5 C3 Heavy Commercial District

The C3 District is established to protect and promote a suitable environment for those retail uses that generate loud noises, excessive traffic, or require large areas for outdoor storage. Included among these uses are establishments of a commercial-industrial nature, as well as those of a commercial-recreational nature. This area provides for substantial motor vehicle traffic.

7.5.2 Conditional uses. Within the C-3 Heavy Commercial District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.5.2.3 Data centers provided the requirements of Section 9.28 are met.

Sec 7.6 LI Light Industrial District

The LI zone is established to protect and promote a suitable environment for light industrial purposes, including accessibility to major transportation facilities, and availability of adequate utilities and other public services. Industrial uses that cause obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, glare, fire hazards or other objectionable environment conditions are prohibited from this district.

7.6.2 Conditional uses. Within the Light Industrial District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.6.2.6 Data centers provided the requirements of Section 9.28 are met.

Sec 7.7 H-I Heavy Industrial District

The H-I Heavy Industrial District is established to provide appropriate locations for any use that may be obnoxious or offensive by reason of emission, odors, dust, smoke, gas, noise, vibration or traffic. All residential uses are prohibited in this district.

7.7.2 Conditional uses. Within the Heavy Industrial District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.7.3.5 Data centers provided the requirements of Section 9.28 are met.

Sec 7.8 OI Office-Institutional District

The OI District is intended to provide an area for business and professional offices as well as for social, fraternal, political, civic and community organization. The district is also designed for institutional uses such as hospitals, nursing homes, convalescent centers, institutional planned developments and clinics. The following uses are permitted:

7.8.2 Conditional uses. Within the Office-Institutional District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Amendment XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.8.2.2 Data centers provided the requirements of Section 9.28 are met.

Sec 7.9 PUD Planned Unit Development

7.9.5 Minor Planned Unit Development (PUD)

7.9.6 Conditional uses. Within the Minor PUD District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.9.6.2 Data centers provided the requirements of Section 9.28 are met.

7.9.7 Urban Planned Unit Development (UPUD)

7.9.8 Conditional uses. Within the UPUD District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.9.8.2 Data centers provided the requirements of Section 9.28 are met.

7.9.9 Major Planned Unit Development (Major PUD)

7.9.10 Conditional Uses. Within the Major PUD District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.9.10.3 Data centers provided the requirements of Section 9.28 are met.

Sec 7.10 CPUD Commercial Planned Unit Development District

7.10.7 Conditional uses. Within the CPUD District, the uses enumerated below may be permitted with Conditional Use approval pursuant to Article XI. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.10.7.4 Data centers provided the requirements of Section 9.28 are met.

Section 9.28 - DATA CENTERS

9.28.1 - Purpose.

The purpose of this Section 9.28 is to establish minimum requirements and regulations for the placement, construction and modification of data centers and digital infrastructure, as defined herein, while promoting the safe, effective and efficient use of such facilities and accompanying infrastructure systems.

9.28.2 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Data center" is defined herein as real and personal property consisting of a building or group of buildings or group of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, power and cooling equipment.

"Data center power plant" means a utility-scale commercial facility that produces electric power for consumption by a data center, which may store, produce, transmit and/or distribute electric power by any combination of energy storage, solar energy, thermal energy or other power conversion technology, including from hydrocarbon-based fuels, geothermal wells, wind energy systems, or nuclear fuel systems, for the primary purpose of supplying power to the data center.

"Digital infrastructure" is any electrical infrastructure, energy and fuel infrastructure, transmission and/or distribution infrastructure supporting data center development, including but not limited to, fiber optic cable conduit, fuel transmission and distribution infrastructure supportive of data centers and data center power plants.

"Mechanical equipment" The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the data center's property.

"Noise attenuation" The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.

"Person" An individual, association, partnership, or corporation, including any officer, employee, department, or agency.

"Sound" An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

9.28.3 - Regulations and design standards for data centers and data center power plants

All data centers and data center power plants shall comply with the following minimum regulations and design standards unless otherwise specified.

9.28.3.1 Permitted Locations. A Data center and/or data center power plant that complies with the provisions of this chapter are not permitted to operate in the jurisdictional boundaries of Greene County unless explicitly approved by the Greene County Board of Commissioners. Data centers that are ancillary to another primary use are permitted if they:

1. Occupy no more than ten (10) percent of the building footprint.
2. Are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties, and
3. Are not housed in a separate stand-alone structure on the parcel.

9.28.3.2 Design Standards.

1. Minimum Lot Size. No data center power plant shall be erected on any lot less than twenty acres in size. No data center shall be erected on any lot less than five acres in size.

2. Maximum Height. The maximum height for all structures shall be established through the conditional use permit process, provided a structure height of thirty-five feet or less shall always be permitted.

3. Setbacks. Data center and data center power plant structures shall be set back from all property lines and public road rights-of-way at least **two hundred feet**, or one and one-quarter times the height of the structure, whichever is greater. In addition, data center and data center power plant structures must be located at least 1,000 feet from all residentially zoned lots, existing residences, **and bodies of state waters**. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.

4. Safety/Access/Fencing. An appropriate security/livestock fence (height and material to be established through the conditional use permit process) shall be placed around the perimeter of the data center facilities and/or any data center power plant. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

5. Noise Attenuation Requirements. Before a data center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a data center shall comply with the following:

- a) Noise Study Requirements. The property owner of the lands upon which the data center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the boundary of the site in eight (8) locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the Planning Division within thirty (30) days of completion of the report.
- b) Noise Attenuation Plan Requirements.
 1. The property owner must consult with a third-party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the data center from exceeding the sound level limitations contained in this section which would be considered a noise disturbance. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the County deems adequate to be in compliance with this section. Noise attenuation measures may include but not limited to:
 - i. Soundproofing walls, screens, panels, fences, or enclosures.
 - ii. Buffer yards.

- iii. Other noise attenuation measures recommended by the third-party acoustic engineer or the county.
- c) Noise. No operating data center or data center power plant shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.
 - 1) Fifty-five dBA, as measured at the property line of any neighboring residentially-zoned lot;
 - 2) Fifty dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
 - 3) Sixty-five dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the Greene County Board of Commissioners agree to a higher noise level, as follows.

The owner of a neighboring property that would otherwise be protected by the sixty-five dBA noise limitation may voluntarily agree, in writing, to a higher noise level. Any such agreement must specifically state the noise standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the data center and/or data center power plant developer, effective for the life of the project. Any such noise agreement must be submitted with the conditional use permit application and filed with the county upon issuance of the conditional use permit.

6. Water Consumption and Thermal Management Report. A water consumption and thermal management report which describes all the following:

a. Cooling System. The proposed cooling system for the Data Center and whether the Data Center will be water-cooled or air-cooled.

b. Water Usage.

- i.** The estimated amount of total water in acre feet that will be used by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected water demand for each month within that year.
- ii.** The estimated amount of water in million gallons per day that will be used by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns.
- iii.** The estimated amount of water in million gallons per day to be used by the proposed project in a 24-hour period on its highest water consumption day.
- iv.** The estimated highest instantaneous flow rate in million gallons per day that will be used by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
- v.** Indicate high consumption operational flexibility. Identify if high water demands can be aligned with the low-demand periods.

vi. The number of the proposed water meters and the size of each water meter for the proposed project.

vii. Proof that the applicant or property owner submitted a complete Sustainable Water Service Application to the appropriate water provider.

9.28.3.3 Visual Appearance.

- a) Data center and data center power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- b) Appropriate landscaping and/or screening materials may be required to help screen the data center and/or data center power plant and accessory structures from major roads and neighboring residences.
- c) Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.
- d) Lighting of the data center and/or data center power plant and accessory structures shall be limited to reasonably necessary lighting to mitigate visual impacts.

9.28.3.4 Electrical Interconnections. All electrical and interconnection and distribution lines smaller than twenty kV within the project boundary shall be underground, except for power lines that leave the project or are within the substation. Said electrical lines larger than twenty kV may be given an exemption from burial because of severe environmental constraints (e.g., wetlands, cliffs, hard bedrock), distance and other project factors, determined by the Board of Commissioners. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

9.28.3.5 Fire Protection. All data centers and data center power plants shall have a defensible space for fire protection in accordance with the Greene County Fire Chief.

9.28.3.6 Employment Infrastructure. Necessary utility infrastructure such as water, sewer, parking, office space, etc., shall be provided to accommodate data center and/or data center power plant employees and service personnel in compliance with Georgia Public Health, the Georgia Department of Environmental Quality and Greene County zoning regulations and building codes, as applicable.

9.28.3.7 Local, State and Federal Permits. A data center power plant shall be required to obtain all necessary permits from the Georgia Environmental Protection Division, including the Georgia Environmental Protection Agency and the Georgia Department of Traffic Safety, applicable permits required by Greene County, and any applicable Federal Permits.

9.28.3.8 Emergency backup generators shall be permitted only as accessory equipment to a data center facility and shall not be used for primary electrical generation or commercial sale of electricity. The number, capacity, location, and operational characteristics of all generators shall be disclosed in the conditional use permit application. Generator testing shall not exceed fifty (50) hours per calendar year per generator, excluding emergency operations. All generators and associated fuel storage shall comply with applicable federal, state, and local regulations and shall meet the noise standards

established in this section.

9.28.3.9 Electrical Demand and Utility Infrastructure

The applicant shall provide documentation of the projected electrical demand for the proposed data center facility, including both initial and ultimate buildout demand measured in megawatts (MW).

The conditional use permit application shall include:

1. The maximum electrical demand anticipated for the project.
2. A description of the source of electrical service and any required transmission lines, substations, or switching facilities.
3. Any required upgrades to local or regional electrical infrastructure necessary to serve the project.

The Greene County Board of Commissioners may condition approval of a data center on the availability of adequate electrical infrastructure and may require that all necessary utility upgrades be completed prior to operation of the facility. The Board of Commissioners may deny or condition approval of an application if the proposed electrical demand or related infrastructure requirements would create significant adverse impacts on local infrastructure, public services, transportation systems, water supply infrastructure, or the reliability of the electrical grid serving Greene County.

9.28.4 - Permit applications.

An application for a conditional use permit to establish a data center and/or data center power plant shall include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in this ordinance will be met.

It is preferred that any related conditional use permit applications for substations or transmission lines be considered in conjunction with the conditional use permit application for the data center and/or data center power plant; however, if the details of those improvements are not available at the time of application for the data center and/or data center power plant, they may be considered later, through subsequent conditional use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the data center and/or data center power plant.

The applicant shall provide a water demand analysis demonstrating the projected daily and peak water usage for the facility and the source of such water supply. The Board of Commissioners may deny or condition approval if the project would materially impact the County's water supply infrastructure or regional water resources.

9.28.5 - Provisions for conditional use permit review.

Following the provisions of this section of the, Greene County Code, additional or more thorough consideration shall be given to the following as the county determines appropriate mitigation for potential impacts or whether the application does not comply with county ordinances and should be denied:

9.28.5.1 Project Rationale. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.

9.28.5.2 Siting Considerations. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic areas

designated by the county; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.

9.28.5.3 Site and Development Plans. Site and development plans, which identify and/or locate all existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures and residentially zoned lots within one-quarter mile of a data center or data center power plant project; existing utilities, pipelines, and transmission lines; utility and maintenance structures; existing topographic contours; existing and proposed drainage ways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the county staff or Board of Commissioners. All maps and visual representations need to be drawn at an appropriate scale.

9.28.5.4 Analysis of Local Economic Benefits. Analysis of local economic benefits, describing estimated: Project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs.

9.28.5.5 Visual Impacts and Appearance. Potential visual impacts may be caused by components of the project such as cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a prominent scenic area or that propose structures taller than thirty-five feet must provide a view analysis of the project, including visual simulations of the planned structures and analysis of potential glare impacts. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than four vantage points that together provide a view from all sides of the project. The Board of Commissioners may also require a Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred sixty-degree computer analysis to map the lands within a defined radius of a location that would likely be able to see an object. Significant visual impacts that cannot be adequately mitigated are grounds for denial.

9.28.5.6 Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with United States Fish and Wildlife Service (USFWS) will be necessary.

9.28.5.7 Environmental Analysis. In the absence of a required state or federal agency environmental review for the project, the Board of Commissioners may require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.

9.28.5.8 Solid Waste or Hazardous Waste. As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.

9.28.5.9 Height Restrictions and FAA Hazard Review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.

9.28.5.10 Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)—remember to identify needed bridges, culverts, etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road improvement, restoration, or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the county may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records, to provide a proper reference for restoration.

9.28.5.11 Public Safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.

9.28.5.12 Noise Limitations. Submit sufficient information regarding noise, so as to demonstrate compliance with this ordinance.

9.28.5.13 The data center operator or property owner must notify residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius, that the property owner intends to build and operate a data center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed data center will be built.

9.28.5.14 The data center operator must schedule and attend two (2) neighborhood meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design. Notice of the neighborhood meetings must be mailed to all residents and homeowners associations within a half-mile radius of the parcel. A representative of the developer or owner with decision-making authority on the design of the data center must attend the neighborhood meetings. The data center operator or property owner must also post a sign on the subject property, at least fifteen (15) days before each neighborhood meeting, in accordance with design standards specified in Appendix B. The sign must be located along an arterial street or other high-visibility location as reasonably determined by the Director. The content of the sign shall (i) be consistent with the County's generally applicable sign guidelines for posting signs, (ii) include the applicant name and contact information, a brief description of the data center project, and the date, time, and location of the neighborhood meeting, and (iii) must be reviewed and approved by the Director before installation. The applicant must remove the sign at the conclusion of the citizen review process.

9.28.5.15 Other probable and significant impacts, as identified through the review process.

9.28.6 – Post Completion Noise Study Requirements.

Upon the data center's completion, the data center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the data center when mechanical equipment is

running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the boundary of the site in the original eight (8) locations used during the baseline study. The data center operator must provide a copy of the report to the county within ten (10) days of completion of the study.

9.28.6.1 The data center shall not begin operations until the completion of the post-construction noise study and submission to the county as required above. In order for the data center to be in compliance, the noise study results must show that its operation is in compliance with this section and will not adversely impact residential neighbors. If the results show that the data center is not in compliance with this section or will adversely impact residential neighbors, the data center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.

1. Furthermore, the data center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with this subsection and section 9.28.3.2 (5), (c) above.
The data center operator must provide the results to the county within ten (10) days after the anniversary date of the first sound study report.

9.28.7 Violations and Penalties.

Violations of the noise limitations shall be subject to the enforcement and penalty provisions of article XV in Appendix B, Legal Status Provisions, as well as any remedies available to the county pursuant to the Greene County Code of Ordinances, state or federal law. Violations of other provisions of this section shall be subject to the enforcement and penalty provisions of the Greene County Code of Ordinances.

9.28.7.1 Any or all of the following persons may be held responsible for noise violations:

1. The person operating the equipment or creating the noise;
2. The person who employs the person operating the equipment or creating the noise at the time of the violation;
3. The person who owns or rents the property where the violation occurs.

9.28.7.2 The following acts, and the causing thereof, are declared to be in violation of this section:

1. The sound level emanating from the data center exceeds that allowed by ordinance.
2. The noise attenuation measures provided in the design plan to the county are not incorporated in the construction of the data center.
3. Any of the required sound study results are not filed with the county within thirty (30) days of completion of the report.
4. The building plan is not filed with the county within thirty (30) days of completion of the plan prior to construction.
5. Failure to act in accordance with any other provision of this section.

9.28.7.3 All data centers shall be in compliance with the requirements of this section before the county will issue a certificate of occupancy; failure to do so will be deemed a violation of this section and may result in an injunction, a stay in commencing operation and/or denial of allowed occupancy.

9.28.8 - Decommissioning requirements for data centers.

A. Decommissioning plan requirement: The owner or developer of a data center must submit a decommissioning plan to the Greene County Building and Zoning Department prior to the issuance of a building permit for a data warehouse.

B. Plan contents: The decommissioning plan shall include, at a minimum:

1. *Timeline:* A detailed timeline for the decommissioning process, including key milestones and estimated completion dates for each phase of the decommissioning activities.

2. *Equipment and material removal procedures:* Specific procedures for the safe dismantling and removal of all equipment, materials, and structures from the data warehouse site. This should include methods for handling and transporting equipment to prevent damage and ensure safety.

3. *Hazardous materials management:* Detailed methods for identifying, handling, and disposing of hazardous materials in compliance with federal, state, and local regulations. This should include a list of all hazardous materials present on-site and the procedures for their safe removal and disposal.

4. *Site remediation plan:* A comprehensive plan for site remediation, including soil and groundwater testing, identification of any contamination, and proposed cleanup measures. This should also include a timeline for remediation activities and methods for monitoring and verifying the effectiveness of the remediation efforts.

5. *Site restoration plan:* A detailed plan for restoring the site to a condition suitable for future use. This should include the removal of any remaining structures, re-vegetation, landscaping, and any other necessary measures to ensure the site is safe and aesthetically pleasing.

6. *Health and safety measures:* Procedures to ensure the health and safety of workers and the surrounding community during the decommissioning process. This should include measures for dust control, noise reduction, and protection from hazardous materials.

7. *Compliance and reporting:* A plan for ensuring compliance with all applicable regulations and the approved decommissioning plan. This should include procedures for regular reporting to the Greene County Building and Zoning Department, including progress reports and a final decommissioning report.

C. Decommissioning compliance:

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

a. *Regular inspections:* The Greene County Building and Zoning Department will conduct regular inspections of the data warehouse site. These inspections will verify that decommissioning activities are being carried out according to the approved plan and identify any deviations or non-compliance issues early on.

b. *Progress reports:* Developers are required to submit quarterly progress reports detailing the decommissioning activities completed during the reporting period. These reports will include

summaries of work done, any deviations from the plan, reasons for deviations, and updated timelines for remaining activities. This ensures continuous oversight and accountability.

2. Final report: Upon completion of the decommissioning process, developers must submit a comprehensive final report. This report will include a detailed account of all decommissioning activities, documentation of equipment and hazardous materials removal, evidence of site remediation and restoration, compliance certification financial summary, and a community impact assessment.

3. Documentation and record-keeping: Maintaining thorough documentation and records of all decommissioning activities is crucial. This includes records of equipment removal, hazardous materials disposal, site remediation efforts, and compliance with data protection regulations. Proper documentation ensures transparency and traceability.

4. Third-party audits: In some cases, third-party audits may be conducted to provide an independent assessment of the decommissioning process. These audits can help verify compliance with regulations and industry standards, ensuring that all activities are performed responsibly and safely.

5. Financial assurance:

a. Decommissioning bond requirement: Developers must provide a decommissioning bond to cover the cost of decommissioning, removal, remediation, and mitigation of the property. The bond amount shall be adequate to ensure the complete decommissioning of the data warehouse and restoration of the site.

b. Bond amount determination: The amount of the decommissioning bond shall be determined by the Greene County Board of Commissioners based on an estimate provided by a qualified independent engineer. The estimate shall include:

i. Costs for the removal of all equipment and materials.

ii. Costs for the disposal of hazardous materials.

iii. Costs for site remediation and mitigation, including soil and groundwater testing and cleanup if necessary.

iv. Costs for site restoration, including re-vegetation and any necessary landscaping.

c. Bond review and adjustment: The bond amount shall be reviewed and adjusted periodically, as determined by the Greene County Board of Commissioners, to ensure it remains adequate to cover the decommissioning costs.

d. Form of financial assurance: Financial assurance may be provided in the form of a bond, escrow account, letter of credit, or other financial instrument acceptable to the Greene County Board of Commissioners. The form of financial assurance must be sufficient to cover the estimated costs of decommissioning, removal, remediation, and site restoration.

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

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

g. Reporting requirements:

i. Progress reports: Developers must submit quarterly progress reports to the Greene County Building and Zoning Department during the decommissioning process. These reports shall include:

(1) Summary of decommissioning activities completed during the reporting period.

(2) Any deviations from the approved decommissioning plan and the reasons for such deviations.

(3) An updated timeline for the remaining decommissioning activities.

ii. Final report: Upon completion of the decommissioning process, developers must submit a final report to the Greene County Building and Zoning Department. The final report shall include:

(1) Detailed account of decommissioning activities: A comprehensive description of all decommissioning activities performed, including the dismantling and removal of equipment, structures, and materials.

(2) Documentation of removal and disposal: Records and receipts documenting the removal and proper disposal of all equipment, materials, and hazardous substances in accordance with federal, state, and local regulations.

(3) Site remediation and restoration evidence: Evidence of site remediation and restoration efforts, including soil and groundwater testing results, photographs of the site before and after decommissioning, and any necessary environmental cleanup reports.

(4) Compliance certification: A statement certifying that the decommissioning was completed in accordance with the

approved decommissioning plan and all applicable regulations. This certification should be signed by a qualified independent engineer or environmental consultant.

(5) Financial summary: A financial summary detailing the costs incurred during the decommissioning process, including the use of decommissioning bond funds.

(6) Community impact assessment: An assessment of the impact of the decommissioning on the surrounding community, including any measures taken to mitigate negative effects and feedback from community stakeholders. This assessment should include:

(7) Community engagement: Documentation of any community meetings or consultations held during the decommissioning process, including feedback received and how it was addressed.

(8) Mitigation measures: Details of any measures taken to mitigate negative impacts on the community, such as noise reduction, traffic management, and dust control.

(9) Post-decommissioning use: Information on the intended future use of the site and any plans for redevelopment or repurposing.

h. Compliance and enforcement:

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

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

(2) Periodic inspections: Regular inspections throughout the decommissioning process to monitor progress and ensure ongoing compliance with the decommissioning plan.

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

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

(1) Fines: Monetary fines imposed for each day of noncompliance or for specific violations of the decommissioning plan or applicable regulations.

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

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

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