

ORDINANCE # 2026- 5

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO AMEND THE CODE OF BYRON, GEORGIA BY DELETING CHAPTER 39 IN ITS ENTIRETY AND BY CREATING A NEW CHAPTER 39 CONCERNING DATA CENTERS AND BY INSERTING THE FOLLOWING PROVISIONS, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, AND IT IS HEREBY SO ORDAINED, THAT THE CITY OF BYRON, GEORGIA ADOPTS AMENDMENTS TO THE CODE OF BYRON, GEORGIA TO DELETE CHAPTER 39 IN ITS ENTIRETY AND CREATING A NEW CHAPTER 39 TITLED "DATA CENTERS", AND ADDING THE FOLLOWING SECTIONS THEREOF, AS FOLLOWS:

Chapter 39 is hereby deleted in its entirety and replaced with the provisions concerning "Data Centers" attached hereto as **Exhibit A** and incorporated herein by reference thereto.

All other matters in conflict herewith are hereby repealed.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BYRON, GEORGIA, THIS ____ DAY OF _____ 2026.

CITY OF BYRON, GEORGIA MAYOR
AND CITY COUNCIL:

Attest:

Michael L. Chidester, Mayor

Telina Allred, City Clerk

Michael S. Chumbley, Mayor Pro Tem

James Richardson, Council Member

Rusty Adams, Council Member

Christopher C. Hodges, Council Member

Alan A. Dorsey, Council Member

EXHIBIT “A”

Sec. 1. Purpose.

The purpose of this chapter is to establish definitions relating to data centers, to set standards that protect public health, safety, and welfare, and to mitigate potential impacts on natural resources, infrastructure, and adjacent land uses, including but not limited to water supply, electrical grid capacity, noise, and environmental quality.

By enacting this chapter, it is the intent of the Mayor and City Council of the City of Byron, Georgia to facilitate the orderly development of data centers as an economic driver, providing jobs, tax revenue, and technological infrastructure, while ensuring that such facilities are sited, designed, and operated in a manner compatible with the character of the City of Byron. This chapter draws upon the best practices for sustainable data center operations, including energy and water efficiency metrics, and aligns with proposed Georgia Department of Community Affairs rules for Development of Regional Impact (DRI) reviews, which require disclosure of energy and water demands for facilities exceeding areas of 500,000 square feet or more than 200 acres.

Sec. 2. Definitions.

Code enforcement official. The City Administrator of the City of Byron shall have enforcement authority for health, safety, or welfare requirements under this article, or a designee thereof. Such official is authorized to issue citations or file formal complaints regarding the same pursuant to O.C.G.A. § 36-74-21(1).

Data center. A facility, campus of facilities, or array of independent or interconnected equipment used to store, manage, process, exchange, house, or disseminate digital data and information, which may include, but is not limited to, computers, servers, networking equipment, and supporting infrastructure such as power supply and cooling. This definition is designed to apply to such facilities which are constructed and/or maintained for the primary purposes listed above. It is not intended that this definition be construed so as to include businesses or facilities whose primary purposes are not data-related or are other than data-related, but which also have some components as are listed above. This definition excludes cryptocurrency mining operations. As additional examples, the definition is not intended to include residences, banks, retail stores, service-related businesses, wholesale businesses, manufacturing, industrial, telecommunications, or similar businesses whose primary purpose is other than listed above but which may have some components listed above.

Owner/Operator. Includes, without limitation, any person, entity, group, company, agent, or other party which, in connection with a data center development, seeks to do any of the following: own, operate, lease, sublease, let, or sublet, any data center; and/or which applies for a land disturbance permit, business license, certificate of occupancy, and/or any other requirement of the City of Byron, the State of Georgia, the United States of America, or any subdivisions thereof, with respect to a data center; or undertakes any act(s) not specifically referred to above with respect to development or operation of a data center. This definition is intended to be liberally construed.

Sec. 3. Applicability.

- (a) This chapter shall apply to all data centers installed, constructed, or substantially modified (defined as an expansion increasing floor area by 25% or more) after the effective date of this chapter.
- (b) All data centers shall be designed, erected, and installed in compliance with applicable local, state, and federal laws, rules, and regulations, including the Georgia Department of Community Affairs rules and regulations (Ga. Comp. R. & Regs. § 110-12-3-.01, *et seq.*) regarding DRIs for technological facilities requiring disclosure of projected energy and water demands.
- (c) Data centers exceeding DRI thresholds under Ga. Comp. R. & Regs. § 110-12-3-.05(1)(a)(2), shall undergo regional DRI review coordinated by the Middle Georgia Regional Commission.
- (d) Data centers shall be designed, erected, installed, operated, upgraded, cooled, powered, and decommissioned or closed using industry standard best management practices such as those measures identified in the PNNL/ASHRAE/NEMA AI data center energy performance framework, except where this Ordinance requires stricter standards.

Sec. 4. Byron Development Authority (BDA) Agreement and Other Agreements

(a) Any data center development located in City of Byron may enter into an Economic Development Agreement or other instruments or arrangements with the Byron Development Authority (BDA) for the purpose of establishing financial and other incentives for the benefit of the developer and/or operator of the data center and the citizens of the City and/or County, with payments no more than those without bond financing. If the City requires a new economic development agreement, the fees paid in new taxes would be equal to or less than if there was not a payment in lieu structure.

(b) As a condition of development, the data center owner/operator shall enter into an agreement with the City of Byron providing that, in the event of a change in state or federal law that reduces or eliminates the electric franchise fee and/or natural gas franchise fee payable to the City with respect to electric and/or natural gas service furnished to the data center, the owner/operator shall continue to thereafter pay to the City a contractual payment equal to the applicable franchise fee rate for the respective service in effect on the effective date of such agreement, applied to (multiplied by) the recurring charges for electricity and/or gas actually delivered to and billed to the data center (excluding unrealized or reserved demand), on an annual or monthly basis, as determined between the parties, for a period of twenty (20) years from the effective date of such change in law. Such payment shall be reduced by any successor tax, fee, or charge imposed on the same electric or gas consumption, but only to the extent such tax, fee or charge is paid or distributed, directly or indirectly, to the City of Byron, and by any franchise fee amounts the City continues to receive with respect to the data center. No payment shall be due on account of any voluntary reduction or waiver of the franchise fee by the City.

Sec. 5. Standards for Data Centers.

(a) Site and Design Standards. All principal and accessory structures shall be arranged, designed, and constructed in accordance with this Section 5 which ensures harmony with both the character and nature of the site and the surrounding properties.

- (1)** All structures shall have permanent concrete foundations.
- (2)** Exterior facades shall use muted earth-tone colors and shall be free of defects, decay, or corrosion.
- (3)** Shipping containers, railroad cars, semi-truck trailers, or similar temporary storage units shall not be used for permanent, non-construction related storage.
- (4)** Backup generators shall comply with Tier IV (4) emission standards as promulgated by the U.S. Environmental Protection Agency (EPA).
- (5)** Data centers shall be located only on sites that meet the following criteria to ensure compatibility with surrounding land uses;
 - i.** Any zoning designation in which data centers are a permitted use;
 - ii.** Minimum parcel size of 200 contiguous acres;
 - iii.** The parcel shall have a power transmission line right of way crossing the parcel or immediately adjacent to and abutting the parcel;
 - iv.** All buildings (existing or proposed) containing servers or computing equipment must be at least: (a) 500 feet from any residential property dwelling existing at the time of the adoption of this chapter, excluding any property owned or controlled by the data center owner or operator, as measured from exterior wall of any data center building to the exterior wall of any residence, however if a berm and additional vegetation is put into place the setback can be reduced to 350 feet; and (b) 1000 feet from public schools, places of worship, or hospitals, existing at the time of the adoption of this chapter, as measured from exterior wall of the data center building to the exterior wall of the school, place of worship, or hospital, as applicable;
 - v.** Each data center shall implement natural vegetation or, if the natural vegetation is insufficient, plantings to provide screening between all data center buildings and adjoining residential dwellings;
 - vi.** No building may be constructed within any FEMA-designated Special Flood Hazard Area (100-year floodplain) unless properly mitigated with a Letter of Map Revision and supporting documentation or other applicable approval from the Federal Emergency Management Agency (FEMA);
 - vii.** Each data center shall have direct access to a state or federal highway or city or county road capable of accommodating heavy truck traffic, as determined by the City Engineer, Owner's Representative, and/or Director of Public Works;
 - viii.** All construction traffic must use pre-approved routes;
 - ix.** A traffic study shall be submitted to the City that establishes necessary road improvements and proposed construction traffic routes;
 - x.** All bridges along the construction traffic route shall be evaluated to ensure adequate weight limits.

- (6) Setbacks: All data center buildings shall observe the following setbacks, except as modified by the requirements of Section 5(a)(5)(iv):
- a. 200 feet from front property line;
 - b. 200 feet from side and rear property lines; and
 - c. 100 feet from any industrial or commercially zoned property.
- (7) Buffers: In addition to required setbacks, a buffer (the buffer zone), which can include the required setback, shall be required along property lines for parcels developed and used for data centers:
- a. a minimum of 100-foot-wide buffer (buffer zone), which can include required setback, shall be required along all exterior property lines.
 - b. a minimum 50-foot-wide buffer zone along any public road rights of way existing at the time of development of a data center, excluding any access points from road rights of way into the property.
 - c. Any buffer zone that is disturbed during construction shall be supplemented with additional trees and plant materials to maintain and/or create a visual buffer from public road rights of way and neighboring residential properties. If existing mature vegetation (less than 10 feet in height) within the buffer zone is insufficient to create such a visual buffer, additional trees shall be installed to reach a minimum density of 1 tree per 150 square feet which shall consist of a minimum of 1/3 native species, 1/3 evergreen trees, and 1/3 genera that are appropriate to local soil types and sunlight. Planted trees should be a minimum of 6' tall at the time of planting, should be irrigated, and fertilized a minimum of twice per year. The developer shall post with the City of Byron a 1-year landscape bond that the City may call upon to replace diseased or dead trees, if the data center operator or landowner fails to replace them within 60 days after the City gives notice to the operator or the landowner that such trees are diseased or dead.
- (8) Maximum building height: 80 feet measured from finished grade from the top of structure or mechanical equipment, whichever is greater, unless approved by variance/special exception. If applicable laws require approval from the Federal Aviation Administration or RAFB then those approvals must be provided along with the variance/special exception application.
- (9) Impacts to infrastructure: At the predevelopment meeting required hereinbelow, any data center owner/operator and the appropriate officials of the City of Byron shall discuss infrastructure necessary during or to be impacted by construction of the data center. The City of Byron shall conduct a study of and identify all storm drainage facilities, water and sewer infrastructure, and city and/or county roadways which may or will require upgrades and/or improvements, solely due to the construction and or operation of the data center and shall prepare a plan for construction of the upgrades necessary to support construction and operation. The study and plan shall be funded by the owner/operator. The owner/operator shall then be required to fund the necessary upgrades, improvements, expansions or mitigations identified in the plan. The City shall plan and execute the projects through its consulting engineers unless otherwise agreed.

(b) Noise Standards.

- (1) Data center operations shall not produce continuous sound that exceeds an average of seventy five (75) decibels measured in dBA and eighty five (85) decibels measured in dBC over any 30-minute period between the hours of 8 a.m. to 6 p.m., measured at the property line shared by the data center and any adjacent property containing a lawful residential use existing on the date the data center commences operations, excluding any property owned or controlled by the data center owner or operator. Data center operations shall not produce continuous sound that exceeds an average of sixty five (65) decibels measured in dBA and seventy five (75) decibels measured in dBC over any thirty-minute period between the hours of 6 p.m. to 8 a.m., measured at the property line shared by the data center and any adjacent property containing a lawful residential use existing on the date the data center commences operations, excluding any property owned or controlled by the data center owner or operator. Violations of these sound levels may be prosecuted in the same manner as other zoning ordinance violations. These restrictions shall not apply during emergency situations, such as power outages, when backup power generation must be activated to sustain operations or when the power provider curtails power.
- (2) Owner/operator shall contract, at its own expense, with a third-party sound monitoring (environmental noise monitoring) service to monitor sound emissions from the data center property. Such contract shall include complete perimeter monitoring on a 24 hour per day, 7 days per week basis. Monitoring shall include monitoring for sound emissions in the dBA and dBC measurement ranges. Such contract shall require that the monitoring service program the monitoring equipment to detect any violations of paragraph (1) above. Such contract shall provide that such monitoring service shall send immediate notifications to the City of Byron upon detection of such violations. Such contract shall also allow the Code enforcement official of the City of Byron to contact the third-party monitor directly and shall authorize the third-party monitor to release such information and data to the Code Enforcement Official of the City of Byron as requested. If a data center is found to be in violation of the requirements of paragraph (1) above, the City may issue a Notice of Violation, which may direct that the data center take appropriate steps to operate within the requirements of paragraph (1) above. The City Administrator may require the data center owner/operator to provide a solution and proposed time period for implementation. If the City Administrator approves such a solution, and the data center fails to successfully implement that solution within the time approved, the violator shall be subject to a fine up to one thousand dollars (\$1,000.00) for each day that the violation exists until full compliance is obtained within 30 days. If the issue is not resolved within 30 days, the City may increase fines up to ten thousand dollars (\$10,000.00) per day, until compliance is achieved. Every data center owner/operator and site developer, in making application for any required approvals by the City, shall agree to be bound by these provisions and shall waive any right to bring legal action

against the City because of the City's enforcement thereof, unless such enforcement is arbitrary or capricious. All subsequent operators or successors in interest shall be bound by the waivers initially made by their predecessors in interest. Sound monitoring data provided to the City under this paragraph shall be treated as confidential proprietary business information of the owner/operator to the fullest extent permitted by law, including O.C.G.A. § 50-18-72, and shall not be disclosed to third parties except (i) pursuant to court order or lawful subpoena, (ii) to law enforcement or emergency responders, or (iii) in aggregated annual summary form in City compliance reporting. Nothing herein limits the City's use of such data for enforcement of this Article.

- (3) Data center facilities shall be designed and constructed using best practices to reduce infrasonic sound waves from the facility. Compliance with the C-weighted sound limits of paragraph (b)(1), together with incorporation of the mitigation measures identified below as applicable to the facility's cooling and power architecture, shall constitute compliance with this paragraph. Periodic post-occupancy verification shall be performed by an INCE Board Certified engineer using third-octave band analysis. Design standards to meet this requirement shall be addressed during the predevelopment meeting required hereinbelow. The development shall incorporate infrasonic sound attenuation measures, which may include, but are not limited to, the following types of sound-dampening equipment or other mitigation technologies proposed by the data center owner/operator:

- a. Inertia blocks, elastomeric mounts, tuned mass dampers, and spring isolators to decouple rotating equipment from such chillers and pumps from the building structure to prevent vibrations from resonating through floors and walls;
- b. Fan silencers and sound curtain barriers for chillers and cooling equipment;
- c. Low rotation speed fans;
- d. Acoustic barrier walls for enclosing generators and other noise generating equipment;
- e. Active noise cancellation systems to detect low frequency soundwaves and generate phase inverted waves to cancel them;
- f. Low frequency ventilation silencers;
- g. Acoustic tiles, foam panels, and/or sound-deadening mats on interior walls and ceilings;
- h. Acoustic shields and earthen berms around the facility;
- i. Low noise coolers;
- j. Immersion cooling systems;
- k. Acoustic silencers in ductwork;

(c) Water Usage Standards.

- (1) Data centers shall submit water and sewer projected demands so that the City may determine availability and capacities of existing infrastructure. Water usage shall not exceed 1.8 gallons of water per kW of electricity per day as specified in the written verification of power allotment from the electric utility provider.
- (2) Closed-loop cooling systems shall be required and utilized; water shall be first sourced from non-potable/recycled water sources once available. There shall be no discharge of cooling water into public sewers without pre-treatment to EPD and the wastewater treatment jurisdictional standards. Pre-treatment may not be required based on effluent discharge constituents; however, an industrial pre-treatment permit may be required and effluent will be monitored. The data center owner/operator shall pay all costs associated with building of and extension of water and sewer infrastructure necessary to sustain data center operations.
- (3) Water availability may require a new permit from the Georgia Environmental Protection Division (EPD). The new permit may require documentation provided by the data center owner/operator that water withdrawal from the aquifer will not impair local water supply during droughts or peak demand periods and shall include projected annual consumption.
- (4) Best practices: Data centers shall (a) use recycled water where available; (b) return heated water to its source where feasible; and (c) monitor water usage and its correlation with ambient temperatures and IT load.
- (5) Water Use and Monitoring. Data centers using water-based cooling systems shall:
 - a. Submit an annual Water Use and Efficiency Report to the City verifying total consumption, source, and recycling rates;
 - b. Incorporate water-efficient cooling technologies where feasible: closed-loop cooling systems are required, but nothing herein shall prevent a data center from using more efficient and less water-use intensive technology currently available and as improved from time to time.
 - c. Use reclaimed or recycled water as part of the data center's cooling methods, to include the prioritization of on-site water storage for the purpose of reuse and non-potable uses in order to protect the potable water supply;
 - d. Install automated metering devices capable of reporting real-time water usage data upon request by the City or provide such data if installed without request by the City;
 - e. Make no direct connection to surface water sources and/or aquifers or any existing well. Any well now in existence on the property shall not be used for any purpose by the owner/operator.
- (6) Multi-Use Integration for Water Resources.
 - a. If the City constructs infrastructure and supplies reuse water to the data center property, the data center shall provide infrastructure to ensure backflow prevention into the freshwater supply inlet from the City's water system. The data center owner/operator may, at its option and expense, provide separate, internal cooling water infrastructure for both potable and reuse water. If the City makes reuse water available, the data center shall connect to the City's reuse system and pay a connection fee.

- b. Prior to connecting to the City's sewer system, data centers shall have infrastructure to segregate industrial wastewater from sanitary wastewater. Both flows will be metered by the City for use and billing purposes.

(d) Electrical and Energy Standards.

- (1) Prior to the issuance of any land disturbance permit, data center owner/operator must submit written verification to City from a power provider confirming sufficient grid capacity exists for peak-hour demands, including redundancy for outages. Where a data center operator is funding transmission or substation upgrades, the written verification requirement shall be satisfied by a utility-executed infrastructure agreement or conditional service commitment confirming capacity upon completion of such upgrades.
- (2) Each data center owner/operator shall disclose to the City upon application for a land disturbance permit the data center's projected annual energy use.
- (3) Data center owner/operators shall ensure that all equipment is housed in electrically grounded structures with fire-rated enclosures meeting international fire code standards.

(e) Environmental and Sustainability Standards

- (1) Data center(s) shall incorporate environmental and sustainable best management practices for industrial developments as defined by the Environmental Protection Agency (EPA) and EPD.
- (2) Data centers shall comply with applicable emissions standards under the Clean Air Act and managed by the EPA, as amended from time to time.

(f) Fire Safety and Emergency Standards.

- (1) Data centers shall adhere to the adopted codes in force pursuant to Section 18-2 of the Ordinances of the City of Byron as of the date of construction of each Data Center building.
- (2) All designs must have final approval by Georgia-licensed engineers, per applicable codes.
- (3) Data center owner/operators shall pay \$500,000 per 300,000 sq ft of data center building to the City of Byron to facilitate the purchase of equipment necessary to ensure the Byron Fire Department (BFD) response for data center fire suppression meets published industry standards, including but not limited to as required under the fire suppression rating schedule published by the Insurance services Office, Inc. (ISO) and the NFPA, as amended from time to time. The fee shall be paid prior to the CO being issued for each building.

(g) Security and Operations.

- (1) An 8-foot security fence must be installed around the perimeter of the property upon which on or more data centers building are located. At a minimum, fencing shall be

PVC coated chain-link, without barbed or razor wire. The City may require a more aesthetically appealing fence depending on the size and location of the facility which shall be determined at the pre-development meeting as required by the City. Perimeter fencing shall be installed on the interior of any vegetative buffers.

- (2) Data center owner/operators must follow EMS procedures for security contacts, identification, and phone numbers.
- (3) Data center owner/operators must enclose all servers and equipment within buildings.
- (4) Data center owner/operators must follow all applicable Occupational Safety and Health Administration (OSHA) standards for workplace safety.
- (5) All exterior lighting shall be designed to mitigate light pollution from the site, and shall be directed downward. No data center shall utilize exterior lighting in excess of the minimum necessary for safe operation and security.

(h) Continuing compliance. Compliance with the provisions of this chapter shall be maintained post-occupancy. Any violation of this chapter shall be enforced pursuant to Section 1-8 of the Code of Byron and any provisions in this Article. Any deviation from this chapter may be considered by the Zoning Review Board pursuant to the procedures in Article V (Procedure for Applying for a Special Exception) of Part III of Appendix A to this Code.

(i) Ownership Eligibility. No entity shall be approved as an owner or controlling party of a data center facility under this ordinance if such entity, or its ultimate parent entity: (a) is identified on the U.S. Treasury OFAC Specially Designated Nationals list, the U.S. Commerce Department Entity List, or any comparable federal restricted-party list; (b) is majority-owned or controlled by a foreign government identified by the U.S. Department of Defense or Department of State as posing a national security risk to the United States; or (c) has been convicted of a felony offense related to human trafficking under 18 U.S.C. § 1589–1594 or a comparable state statute.

Sec. 6. Application and Approval.

- (a) No data center may be developed and/or operated without site plan review and approval by the City of Byron staff, verifying compliance with this chapter and all land development ordinances of the City of Byron and that the data center has completed the DRI process, if required, which approval shall not be unreasonably withheld.
- (b) No data center application shall be accepted prior to a pre-application meeting being conducted, at which shall be present any developer, the applicant, the property owner, and/or any other party reasonably necessary to clearly present the development proposal to the City, and to discuss the matters contemplated above, to include those matters specifically referred to above as subject matters for said meeting.
- (c) Applications for site plan review shall include disclosures of energy/water demands and the requirements set forth above. Any application which requests a variance or special exception to the rules and regulations pertaining to this chapter will require a properly advertised public hearing before the City of Byron Planning and Zoning Board for its recommendation to City Council; City Council's consideration of the board's recommendation shall also require a public hearing prior to consideration of the request or special exception.

Sec. 7. Decommissioning.

- (a) Owner/operator shall notify the City of Byron not less than 12 months prior to the permanent decommissioning of one or more of the data center buildings.
- (b) All decommissioning will be carried out in accordance with the current recognized industry standards and best practices, and shall be entirely funded by the owner/operator.
- (c) A decommissioning plan shall be prepared by the Owner/operator and shall be shared with the City and a bond amount shall be determined based on the cost to decommission and anticipated decommissioning time frame.
- (d) The Owner/operator shall provide a decommission bond from a AAA rated insurer in an amount sufficient to ensure the complete cleanup and maintenance of all aspects of the data centers, including without limitation, hardware, heavy metals, water contaminants, land contaminants, buildings, infrastructure, perimeter fencing, and other potential factors or aspects of decommissioning. The bond shall be for a period of 24 months to allow adequate time for the decommissioning process.

Sec. 8. Effectiveness, Interpretation, Separability.

- (a) This chapter shall become Effective immediately upon adoption.
- (b) Any ordinances in conflict with this chapter shall be repealed.
- (c) In the event of any conflicts with federal, state, or other applicable local laws, regulations, or controls, the more restrictive law, regulation, or control shall apply.
- (d) Any invalidity or unconstitutionality of any of these provisions shall not affect the remainder, which shall remain in force.